



ROYAL COMMISSION ON THE PUBLIC SERVICES  
IN INDIA.

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A P P E N D I X  
TO THE  
REPORT  
OF  
THE COMMISSIONERS.

Volume VIII.

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MINUTES OF EVIDENCE  
RELATING TO THE  
INDIAN AND PROVINCIAL CIVIL SERVICES  
Taken at Patna from the 24th to the 28th March 1913,  
WITH APPENDICES.

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Presented to both Houses of Parliament by Command of His Majesty.

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APPENDIX  
TO THE  
REPORT  
OF  
THE COMMISSIONERS.

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Volume VIII.

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MINUTES OF EVIDENCE

RELATING TO THE

INDIAN AND PROVINCIAL CIVIL SERVICES

Taken at Patna from the 9<sup>th</sup> to the 28th March 1913,

WITH

APPENDICES.

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(Thirty-seventh to forty-first days.)

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## NOTE.

The numbering of the Questions is consecutive throughout. The sub-numbers in brackets correspond with the numbers in the printed sets of Questions marked **A** and **B**, which were issued to official and non-official witnesses respectively, and which will be found on pages v—xxxviii of this volume.

## A.

## QUESTIONS RELATING TO THE INDIAN CIVIL SERVICE.

## METHODS OF RECRUITMENT.

## (a) General.

1. What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?

2. In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?

3. Is the system equally suitable for the admission of "Natives of India"\* and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?

\* The term "Natives of India" has been defined in section 6 of the Government of India Act, 1870 (38 Vict. c. 3), as including any persons born and domiciled within the Dominions of His Majesty in India of parents habitually resident in India and not established there for temporary purposes only; and the term has been so used throughout these questions.

4. Further, is any differentiation desirable between other classes of natural-born subjects of His Majesty? If so, what do you propose?

5. Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is, or is not, to the advantage of Indian interests? Please give your reasons.

6. If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose. Do you recommend a system based on any of the following principles—(a) selection by headmasters of schools approved or otherwise, (b) selection by authorities in Universities approved or otherwise, (c) nomination by head-masters or University authorities and selection under the orders of the Secretary of State, (d) combined nomination and examination, (e) any other method?

7. What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?

8. Are you in favour of holding this examination simultaneously at any other centre or centres within His Majesty's Dominions?

9. What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?

10. If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend? In particular, do you consider it desirable that whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?

11. If you are in favour of a system for the part recruitment of the Indian Civil Service by "Natives of India" in India, do you consider that "Natives of India" should still be eligible for appointment in England, or would you restrict that right to other natural-born subjects of His Majesty?

12. Would you regard any system of selection in India which you may recommend for young men who are "Natives of India" as being in lieu of, or as supplementary to, the present system of promoting to listed posts—officers of the Provincial Civil Services? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Services?

13. Do you recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service? If so, please describe the system that you would propose.

14. Are you satisfied with the present definition of the term "Natives of India" in section 6 of the Government of India Act, 1870 (38 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully any proposals that you wish to make in regard to this matter.

## (b) Age-limits.

15. If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?

\* The principal changes in the age-limits have been as follows:—

Years.	Age-limits at open competition.	Period of probation in England.	Age of selected candidates at end of year of arrival in India.
1855–1857 ...	18–23 years ...	No probation in England ...	18½–24½
1858–1865 ...	18–23 years ...	One year's probation ...	19½–24½
1866–1878 ...	17–21 years on 1st March ...	Two years' probation ...	19½–24½
1878–1891 ...	17–19 years on 1st January ...	Two or three years' probation ...	20–23
1892–1905 ...	21–23 years on 1st April ...	One year's probation ...	22½–24½
1896–1905 ...	21–23 years on 1st January ...	Do ...	23–25
Since 1906 ...	22–24 years on 1st August ...	Do ...	23½–25½

## A.—Indian Civil Service.]

METHODS OF RECRUITMENT—*contd.*(b) *Age-limits—conold.*

16. What is your experience of the relative merits of the candidates selected under varying age-limits, particularly under the systems in force from 1878 to 1891 (age-limits 17—19 years, followed by two or three years' probation at an approved University) and since 1891 (age-limits 21—23 or 22—24 years, followed by one year's probation) ?

17. What is your opinion regarding the suitability of the recent recruits to the Indian Civil Service ?

18. What is the most suitable age at which junior civilians should arrive in India ?

19. What age-limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons ? Do you recommend any differentiation between the age-limits for "Natives of India" and for other natural-born subjects of His Majesty ?

(c) *Subjects of Examination.*

20. On what principle should the subjects for the open competitive examination be fixed ? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined, and that the object should be to secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well-educated young man of the period ?

21. Please examine the table in Appendix I to these questions, which shows the various phases of the authorized syllabus of the open competitive examination, and state what changes, if any, are, in your opinion, desirable, differentiating between the cases of candidates (a) of school-leaving age, and (b) of University-leaving age ?

22. Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates ? If so, please state them and give reasons.

(d) *Statutory Regulations.*

23. Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons ? Please state in detail what alterations (if any) you recommend in the Schedule of the Indian Civil Service Act, 1861 (24 and 25 Vict., c. 54). [Attention is invited to the provisions of the Indian Civil Service Act, 1861 (24 and 25 Vict., c. 54), and of the Government of India Act, 1870 (33 Vict., c. 3), reproduced as Appendices II and III to these questions.]

24. Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration ? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that "Natives of India" might, under present conditions, properly be admitted ?

25. Do you accept as generally satisfactory in principle the present system under which "Natives of India" are recruited partly through the medium of an open competitive examination in England, and partly by special arrangement in India, in accordance either with rules framed under the provisions of section 6 of the Government of India Act, 1870 (33 Vict., c. 3), or with the provisions of the Indian Civil Service Act, 1861 (24 and 25 Vict., c. 54) ? Do you recommend any alterations in this system, and, if so, what ?

26. Give a list of the "Natives of India" now serving in your province who were recruited to the Indian Civil Service by means of open competition in England, stating in what year they were admitted, in which posts they are now serving, and their present rate of salary.

27. Have the "Natives of India," recruited by means of open competition in England, proved, on the average, as efficient as the European members of the Indian Civil Service of the same standing and recruited in the same manner ? Has it been found possible and expedient to employ them in all branches of the administration, whether on executive or judicial duties ?

28. Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend ?

(e) *Mixed Commissions.*

29. What experience have you had of military or other officers who have been specially recruited in India to fill Indian Civil Service posts, and how many such officers are employed in your province ? Please distinguish in your reply between (a) military officers, and (b) others; and give details of the latter.

30. Have such officers proved on the average as efficient as members of the Indian Civil Service filling posts of similar responsibility ? Has it been possible and expedient to employ them in all branches of the Administration, whether on executive or judicial duties ?

31. If the system of recruiting military officers in India has been stopped, or has never existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent should it be adopted ?

32. Do you consider that such a system should be restricted to the recruitment of military officers or extended to the recruitment of selected officers from other Indian services ?

(f) *Listed Posts, etc.*

33. Please now refer to the rules, dated 26th August 1910, made in exercise of the powers conferred by section 6 of the Government of India Act, 1870 (33 Vict., c. 3) and reproduced as Appendix IV, and to the statement in Appendix V to these questions, showing the number of offices,

## [A.—Indian Civil Service.

METHODS OF RECRUITMENT—*concl'd.*(f) *Listed Posts, etc.*—*concl'd.*

places and appointments, commonly known as listed posts, ordinarily held by members of the Indian Civil Service, to fill which it has been declared that members of the Provincial Civil Service can properly be appointed; and say whether the figures given are correct for your province.

34. Are all the posts thus listed ordinarily and regularly filled by "Natives of India"? If not, please state for the last five years to what extent there has been any failure to work up to the authorized list, and explain the reasons.

35. To what extent also during the last five years have these listed posts been filled—(a) by members of the Provincial Civil Service; (b) by other "Natives of India"? Please give the names and positions of the latter, if any.

36. Has the power to fill one-quarter of the listed posts with "Natives of India" other than members of the Provincial Civil Service or Statutory Civilians been ordinarily and regularly exercised? If not, can you give the reasons for this, and do you think it advisable that the power should be utilized and in what directions?

37. Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess?

38. Is the class of posts listed suitable? If not, in what directions would you suggest any changes; and why?

39. Have the officers of the Provincial Civil Service, selected to fill listed posts, proved on the average as efficient as members of the Indian Civil Service filling posts of similar responsibility, and has it been found possible and expedient to employ them in all branches of the Administration?

40. Please now turn to the Indian Civil Service Act, 1861 (24 & 25 Vict., c. 54), which will be found in Appendix II to these questions and say how many "Natives of India" have been appointed permanently to posts in your province under its provisions during the last five years, giving names and the nature of the posts so filled.

41. Are there any other ways in which "Natives of India" are appointed to your province to Civil Service posts? If so, please give details of the same.

42. Please add such remarks as you may desire to offer on any points relating to the system of recruitment for Indian Civil Service posts which are not covered by your answers to the foregoing questions.

## SYSTEMS OF TRAINING AND PROBATION.

(a) *Probation.*

43. What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instructions in England? Do you recommend the continuance or abolition of this system?

44. What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you?

45. Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?

46. If so, do you advise the selection of one or more Universities for this purpose and for what reasons?

47. Do you consider that probationers should receive allowances during their period of probation? If so, please give the scale and conditions that you recommend.

48. If you do not advise attendance at an approved University during the period of probation in England, what alternative course of study do you recommend?

49. Would it, in your opinion, be desirable to establish a separate institution in England for this purpose, and, if so, under what conditions?

50. If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in 1854, that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University course?

51. Please examine the statement printed as Appendix VI to these questions, showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you.

52. In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at Law Courts in England and reporting of cases; (ii) the teaching of Indian Law in addition to the general principles of jurisprudence; (iii) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of—(a) Indian Geography, (b) Political Economy, (c) Accounts.

53. Do you consider that the probationer's course of instruction can best be spent in England or in India?

54. What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?

## A.—Indian Civil Service.]

SYSTEMS OF TRAINING AND PROBATION—*concl'd.*(a) *Probation—concl'd.*

55. What is your opinion of a proposal that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?

56. In the report of the Treasury Committee appointed to consider the organization of Oriental Studies in London (1909), the view is taken that the preliminary training in Oriental languages and in law required by probationers can be given better in England than in India, because of the difficulties which junior civilians would experience in learning these subjects in India, the lack of good teachers in Indian district head-quarters, the difficulty of even good Indian teachers appreciating the European students' point of view, and the difficulty of arduous study in a tropical climate. Do you consider that these objections could be met by a suitable scheme of instruction in India?

57. If you have recommended the introduction of any scheme of direct recruitment in India for "Natives of India," whether in lieu of, or supplementary to, the system of recruitment in England, please state what system of probation you recommend for such officers.

58. In particular, if a period of probation is recommended for such officers, do you advise that it should be passed in England or in India?

59. Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course proscribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?

(b) *Training.*

60. Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?

61. Is the existing system of departmental examinations suitable, and, if not, what change do you recommend?

62. Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?

63. Do you recommend any changes in the rules for the encouragement of the study of Oriental languages, and, if so, what changes?

64. Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial Branch. In particular, do you favour a system of granting study leave to Europe, and, if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?

65. Do you recommend any special course of study in law in India for officers selected for the Judicial Branch?

66. Do you recommend any special training in subordinate judicial posts for officers selected for the Judicial Branch? If so, please give details.

67. Do you recommend any system for encouraging the higher study of law analogous to the rules for the encouragement of the study of Oriental languages?

68. Is any differentiation desirable in the system of training after appointment in India between members of the Indian Civil Service who are "Natives of India" and other natural-born subjects of His Majesty? If so, please state your proposals.

69. If you have recommended the introduction of any scheme of direct recruitment in India for "Natives of India," whether in lieu of, or supplementary to, the system of recruitment in England, please state what system of training you recommend for such officers.

70. Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are "Natives of India" as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals.

71. Please add such remarks as you may desire to offer on any points relating to the system of probation and training for the Indian Civil Service which are not covered by your answers to the foregoing questions.

## CONDITIONS OF SERVICE.

72. The present theory underlying the conditions of service in the Indian Civil Service is—(a) that the members of the Service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones; and (b) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties. To secure these objects the number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 *per mensem* is ascertained, and it is endeavoured to recruit only sufficient officers to make it probable that each officer will find himself officiating with practical permanency in at least the lowest of those appointments after the completion of eight years' service. Do you accept this system? If so, do you consider that the period of eight years is suitable, or do you recommend any change? What alteration (if any) would be necessary if the age of recruitment were lowered?

73. It is also part of the existing system that officers of over two but under eight years' completed service should fill with practical permanency in the ordinary course of promotion charges of minor responsibility, called technically "inferior" posts, and should be drawing pay at rates above

## [A.—Indian Civil Service.]

CONDITIONS OF SERVICE—*concl.*

that of the lowest grade, but not exceeding Rs. 1,000 *per mensem*. Do you accept this as a suitable arrangement? If not, what alteration would you suggest, and for what reasons?

74. Please show in a tabular statement for the last five years, quarter by quarter, with foot-notes giving the names, the total not number of officers who have failed to obtain promotion in accordance with the principles set out in the preceding questions, and say whether any inconvenience, and if so, what, has been caused thereby to the Administration?

75. Please now see the statement marked AA and the list marked—

*Madras* = *A*,

*Bombay* = *B*,

*Bengal* = *C*,

*United Provinces* = *D*,

*Punjab* = *E*,

*Burma* = *F*,

*Bihar and Orissa* = *G*,

*Central Provinces and Berar* = *H*,

*Assam* = *I*,

which have been reproduced in Appendix VII to these questions, and say whether they are correct for your province. If not, please state what amendments are necessary.

76. Is any difficulty experienced by the Administration in working with the number of superior posts shown in the list for your province? Do all the posts entered as superior carry a salary of more than Rs. 1,000 *per mensem*, and are they all such as are ordinarily held by officers in the Indian Civil Service? If not, what changes, if any, do you suggest?

77. Does the number of superior posts shown as held directly under the Government of India correspond with the actual experience of the last five years? If not, please give particulars of the discrepancies, and say whether you consider any change of practice in this respect to be desirable. [Attention is invited in this connexion to List J in Appendix VII to these questions.]

78. Does the number of superior posts allowed for temporary appointments and deputations correspond with the actual experience of (say) the last five years? If not, please give particulars of the discrepancies and say whether you consider any change of practice in this respect to be desirable?

79. Does the arrangement by which officers, recruited against temporary superior posts, are shown in the lowest grade, work satisfactorily? If not, what change of practice appears to you to be necessary?

80. Does the allowance of 39 per cent. on the number of superior posts give the right number of junior officers for the work of the administration of your province? If not, please state what excess or deficiency in your opinion exists, giving your reasons in detail.

81. Junior officers are considered to be under training during the first two years of their service. Does this approximate to the actual conditions? If not, what alteration is necessary in the percentage of 15.5 allowed for training?

82. Does the leave allowance of 32.7 per cent. for superior posts, 6.7 per cent. for inferior posts, and .6 per cent. for training posts, approximate to the actual conditions? If not, please state what alteration is desirable?

83. Does the annual decremental rate of 4.17 per cent. on the total strength of the service correspond with the actual experience of the last 20 years? If not, please give the actual facts for this period and suggest a suitable figure, with reasons in support of the same.

84. Does the theoretical strength of the Service correspond ordinarily with its actual strength? If not, please state the facts and, in particular, offer any remarks which may suggest themselves with regard to the existing discrepancy shown in the statement marked BB which is included in Appendix VII to these questions?

85. Do you consider that the present system of a quinquennial examination of the conditions of service is adequate to regulate the rate of recruitment and flow of promotion? If not, what alterations do you recommend?

86. State the principles on which the annual indent for recruitment to the Indian Civil Service is regulated. Do you consider that accurate results are attained thereby? If not, what alterations do you recommend?

87. Are you satisfied that, under the existing system of promotion, the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?

88. To what extent are the functions of the officers of the Executive and Judicial Branches of the Indian Civil Service differentiated? Is any change desirable, and, if so, in what directions?

89. Have you any other suggestions to make under this head which are not covered by your answers to the above questions and to the questions under the heads relating to salary, leave and pension.

## CONDITIONS OF SALARY.

90. Please see the two statements contained in Appendix VIII to these questions showing the various rates of pay drawn by officers holding posts in the Indian Civil Service cadre and the grading of each class of post for the different provinces, and say whether they are correct for your province.

91. Please give full information regarding the rates of pay and the number of posts in each of the main grades of the service authorized on the 1st April of each of the following years: 1860, 1870, 1880, 1890, 1900 and 1912.

92. Are the present rates of pay and grading suitable? If not, what alteration do you recommend?

93. If any dissatisfaction is felt, does it relate to the pay or grading of the higher or lower posts or to both?

94. Do you consider it desirable that there should be uniformity of payment for similar kinds of work in all the provinces, and does any dissatisfaction on this score exist in your province, and, if so, what?



## A.—Indian Civil Service.]

CONDITIONS OF SALARY—*concll.*

95. Do you consider that the exchange allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?

96. If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the Service who now draw no exchange compensation allowance?

97. How does the system of acting allowances work in the case of officers selected to officiate in appointments involving increased responsibility? Is it productive of any inconvenience and have you any suggestion to make on the subject?

98. How is the system of officiating grade promotions, where there is no change of duties, actually worked? Is the system convenient in the interests both of the Government and of the officers of the Service? Have you any recommendations to make for its alteration?

99. What is your opinion regarding the substitution for the existing graded system of promotion of a time-scale of salary? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service or not?

100. As an alternative, do you recommend a system by which each main class of appointment would have a separate time-scale?

101. What is your experience of the practical working of time-scales of pay in other Indian services?

102. If you recommend any system of time-scale of pay, please describe it, and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades, charge allowances, and other matters of importance. How do you propose to apply such time-scale in provinces where the scale of pay of the Judicial and Executive Branches of the Service is different?

103. If you are in favour of a time-scale of pay, how would you secure that the recruitment of junior officers is restricted to the number likely to be promoted in a reasonable time to posts of independent responsibility, and do you or do you not consider it desirable that all members of the Indian Civil Service should have the prospect of rising to such posts within a fixed time?

104. Turning now to the case of the Statutory Civilian and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rate do you suggest for the various grades of the service?

105. Have you any other proposals to make in regard to the conditions of salary not covered by your answers to the above questions?

## CONDITIONS OF LEAVE.

106. Is there any reason to suppose that officers of the Indian Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?

107. Is all the leave on full pay due to them ordinarily taken by officers of the Indian Civil Service, and, if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?

108. Is all the furlough due to them ordinarily taken by officers of the Indian Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?

109. Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?

110. Do you recommend any change in the concession, granted in 1893, under which leave allowances expressed in rupees, other than privilege leave allowances, issued at the Home Treasury, or in a Colony with a gold standard of currency, are issued in sterling at the privilege rate of exchange of 1s. 6d. the rupee? If so, what change?

111. Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable? Do you recommend any change in the alternative rates fixed in sterling and in rupees, and if so what change?

112. Have you any recommendation to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?

113. Generally speaking, do any of the present leave rules applicable to the Indian Civil Service cause inconvenience to the Administration, and if so what, and what remedy do you suggest?

114. In particular, are they a contributory cause of excessive transfers of officers of the Indian Civil Service, and, if so, how can this difficulty be met?

115. Do any of the present leave rules press hardly in any way on officers of the Indian Civil Service themselves, and, if so, in what respects? What is, in your opinion, the appropriate remedy?

116. Do the present leave rules applicable to Statutory Civilian, or to officers of the Provincial Civil Services employed in listed posts, cause any inconvenience to the Administration, or press hardly on the officers themselves, and in what respects? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?

117. Have you any other proposals to make in regard to the conditions of leave not covered by your answers to the above questions?

## CONDITIONS OF PENSION.

118. Is the present system of equal annuities to all members of the Indian Civil Service generally accepted as satisfactory by the Government and by the members of the Indian Civil Service?

119. Would a non-contributory system of superannuation pensions, varying in amount with the amount of salary drawn at the time of retirement, be preferable in the interests either of the Government or of the members of the Indian Civil Service?

## [A.—Indian and Provincial Civil Services.

CONDITIONS OF PENSION—*concl'd.*

120. Assuming the maintenance of the annuity system, do you suggest any modifications in its detailed working, and, if so, what, and for what reasons?

121. In particular, what is your opinion of the arrangement by which members of the Indian Civil Service, who are appointed Judges of High Courts, obtain special pensions of £1,200 a year after 11½ years' actual service as Judges? Do you recommend any change in the present condition?

122. Do you consider that a similar system should be applied to the cases of high executive officers, and, if so, to which? Please state the amount of pension and the conditions which you recommend as suitable.

123. Assuming the substitution of a non-contributory system of superannuation pensions varying in amount with the amount of salary drawn at the time of retirement, please describe the system that you recommend.

124. Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?

125. Do you consider the existing pension rules suitable in the interests both of the Government and of the members of the Indian Civil Service? In particular, what is your opinion of the present rules regulating voluntary and compulsory retirement?

126. Do you approve of the present system regulating the pensions of military officers holding Indian Civil Service posts? If not, what do you suggest?

127. Do you approve of the present system regulating the pensions of statutory civilians? If not, what do you suggest?

128. Do you approve of the present system regulating the pensions of officers of the Provincial Civil Services holding listed posts? If not, what do you suggest?

129. Do you accept as satisfactory the regulations of the Indian Family Pension Fund, or have you any suggestions to make either for their abolition or for their alteration? Have you any proposals to make in regard to the present methods of working such regulations?

130. In particular, do you approve of the exclusion from their benefits of "Natives of India," who are members of the Indian Civil Service? If not, under what conditions would you admit them, having regard to the main differences between their social conditions and those of the European members on which the present system is based?

131. Do you recommend that such admission should be optional or compulsory?

132. If you do not approve their admission to the Indian Civil Service Family Pension Fund, do you recommend the formation of a separate Family Pension Fund?

133. Is the existing system under which provision is made for the families of deceased military officers holding Indian Civil Service posts satisfactory? If not, what would you suggest?

134. Have you any criticisms to make on the facilities at present offered—(a) to Statutory Civilians, (b) to members of the Provincial Civil Services holding listed posts, for providing for their families against their decease?

135. Have you any other proposals to make in regard to the conditions of pension not covered by your answers to the above questions?

## GENERAL.

136. Are you satisfied with the existing organization of the Indian Civil Service? If not, please state what alternative organization you consider desirable, and explain fully your views, making any suggestions that appear to you suitable.

137. Have you any other proposals to make in regard to the Indian Civil Service not covered by your answers to the above questions? If so, please explain them.

## QUESTIONS RELATING TO THE PROVINCIAL CIVIL SERVICE.

[Note.—In replies to these questions, it should be clearly specified whether the reply refers to the whole Provincial Civil Service, or to the Executive Branch or to the Judicial Branch.]

## METHODS OF RECRUITMENT.

1. Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?

2. Please supply a copy of the Rules for the Recruitment of the Provincial Civil Service in force in your province. Are these rules suitable, or have you any recommendations to make for their alteration?

3. Please see the statement showing the constitution of the Provincial Civil Service, reproduced as Appendix B to these questions, and state whether the information is correct for your province. If not, what alterations are required?

4. Please state the different systems of recruitment that have been adopted for the Provincial Civil Service, the periods for which they were in force, and the number of officers recruited year by year in your province under each system since its formation.

5. Please state the number of natural-born subjects of His Majesty other than "Natives of India" recruited in your province in each year.

6. What is your experience of the officers selected by the different methods of recruitment which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition,

## A.—Provincial Civil Service.]

METHODS OF RECRUITMENT—*concl'd.*

(b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend.

7. To what extent are non-residents of the Province employed in your Provincial Civil Service? Do you consider that only residents of the Province should ordinarily be recruited?

8. Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?

## SYSTEMS OF TRAINING AND PROBATION.

9. What is the system of training and probation adopted for officers of the Provincial Civil Service? Do you consider it satisfactory, and, if not, what alterations do you recommend?

10. Is the existing system of departmental examinations suitable, and, if not, what changes do you recommend?

## CONDITIONS OF SERVICE.

11. Do you consider that any change should be made in the classes of offices and appointments at present included in your Provincial Civil Service?

12. What is the system on which the strength of the <sup>Executive</sup> Branch of your Provincial Civil Service is fixed? Do you consider it satisfactory, and, if not, what alterations do you recommend?

13. In particular, is the leave reserve adequate, and the system on which it is graded suitable?

14. Is there any reserve for officers under training, and is it adequate?

15. What is the annual rate of recruitment and how is it fixed? Has it worked well in practice and does it secure an even flow of promotion?

16. To what extent is any system of selection for appointments to the higher grades enforced? Is any change of practice required in this respect?

17. Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestion to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?

18. To what extent are the functions of the officers of the Executive and Judicial Branches of your Provincial Civil Service differentiated? Is any change desirable, and, if so, in what direction?

19. Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to those posts suitable? If not, what alterations do you suggest?

20. Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service? If not, what change would you suggest?

21. Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?

## CONDITIONS OF SALARY.

22. Do you accept as suitable the principle recommended by the Public Service Commission of 1896-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?

23. Please give full information regarding the rates of pay and the number of posts in each of the main grades of the Provincial Civil Service authorized on the 1st April of each of the following years:—1890, 1900 and 1912. When was the last general reorganization effected, and what improvement of prospects was effected thereby?

24. Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?

25. Are you satisfied with the present system under which officiating promotions are not made in the Provincial Civil Service? If not, what alteration do you recommend?

26. What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time-scale, should it be restricted to the lower grades of the service, or not?

27. As an alternative, do you recommend a system by which each main class of appointment would have a separate time-scale?

28. What is your experience of the practical working of time-scales of pay in other Indian services?

29. If you recommend any kind of time-scale of pay, please describe the scheme that you propose and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades, charge allowances and other matters of importance. How do you propose to apply such time-scales in provinces where the scale of pay of the Executive and Judicial Branches of the service is different?

30. Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?

## CONDITIONS OF LEAVE.

31. Is there any reason to suppose that officers of the Provincial Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?

## [A.—Provincial Civil Service.

CONDITIONS OF LEAVE—*concl'd.*

32. Is all the leave on full pay due to them ordinarily taken by officers of the Provincial Civil Service, and, if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?

33. Is all the furlough due to them ordinarily taken by officers of the Provincial Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?

34. Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?

35. Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable?

36. Have you any recommendations to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?

37. Generally speaking, do any of the present leave rules applicable to the Provincial Civil Service cause inconvenience to the Administration? and if so what, and what remedy do you suggest?

38. In particular, are they a contributory cause of excessive transfers of officers, and, if so, how can this difficulty be met?

39. Do any of the present leave rules press hardly in any way on officers of the Provincial Civil Service, and, if so, in what respect? What is, in your opinion, the appropriate remedy? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?

## CONDITIONS OF PENSION.

40. Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?

41. Have you any suggestions to make in favour of any modifications in its detailed working, and if so, what, and for what reasons?

42. Do you approve of the grant of reduced pensions for such officers as may be found to be inefficient, but whom it may be difficult to retire without some provision for their subsistence? If so, what do you suggest?

43. Do you approve of the present system regulating pensions of officers of the Provincial Civil Service holding listed posts? If not, what do you suggest?

44. Do you consider that the existing rules governing the voluntary and compulsory retirement of members of the Provincial Civil Service are satisfactory? If not, what changes do you recommend?

45. To what extent do members of the Provincial Civil Service subscribe for the benefit of their families to the Government General Provident Fund or to other official or officially-recognized funds? Are any further facilities required, and what arrangements of this kind do you consider to be necessary?

## GENERAL.

46. Are you satisfied with the existing organization of the Provincial Civil Service? If not, please state what alternative organization you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable.

47. Have you any other proposals to make in regard to the Provincial Civil Service not covered by your answers to the above questions? If so, please explain them.

## A.—Indian Civil Service.]

## APPENDIX I.

Period of Age-limits, 17—21, i.e., down to 1877.			Period of Age-limits, 17—19, i.e., 1878—1891.		
Subjects.		Marks.	Subjects.		Marks.
1. English Composition ...	...	500	1. English Composition ...	...	300
2. History of England, including that of the Laws and Constitution ...	...	500	2. History of England, including a period selected by the candidate.	...	300
3. English Language and Literature ...	...	500	3. English Literature, including books selected by the candidate.	...	300
4. Language, Literature, and History of Greece.	...	750	4. Greek ...	...	600
5. Language, Literature and History of Rome.	...	750	5. Latin ...	...	800
6. Language, Literature, and History of France.	...	375	6. French ...	...	500
7. Language, Literature, and History of Germany.	...	375	7. German ...	...	500
8. Language, Literature, and History of Italy.	...	375	8. Italian ...	...	400
9. Mathematics (pure and mixed) ...	...	1,250	9. Mathematics (pure and mixed) ...	...	1,000
10. Natural Science—that is (1) Chemistry, including Heat; (2) Electricity and Magnetism; (3) Geology and Mineralogy; (4) Zoology, (5) Botany. The total (1,000) marks may be obtained by adequate proficiency in any two or more of the five branches of Science included under this head.	...	1,000	10. Natural Science—that is, the Elements of any two of the following Sciences, viz., Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy, with outlines of Astronomy, 500.	...	800
11. Moral Science—that is, Logic, Mental and Moral Philosophy.	...	500	11. Logic ...	...	300
12. Sanskrit Language and Literature ...	...	500	12. Elements of Political Economy ...	...	300
13. Arabic Language and Literature ...	...	500	13. Sanskrit ...	...	500
			14. Arabic ...	...	500
Period of Age-limits, 21—23, i.e., 1892—1905.			Period of Age-limits, 22—24, i.e., 1906 to date.		
1. English Composition ...	...	500	1. English Composition ...	...	500
2. English History ...	...	500	2. English History, either or both sections may be taken— Section I., to A.D. 1485 ...	...	400
			Section II., A.D. 1485 to 1848 ...	...	400
3. English Law, viz., Law of Contract—Criminal Law—Law of Evidence and Law of the Constitution.	...	500	3. English Law ...	...	500
4. English Language and Literature (including special period named by the Commissioners.)	...	500	4. English Language and Literature ...	...	600
5. Greek Language and Literature ...	...	750	5. Translation ...	...	400
6. Greek History (Ancient, including Constitution).	...	400	6. Prose Composition ...	...	200
7. Latin Language and Literature ...	...	750	7. Verso Composition ...	...	200
8. Roman History (Ancient, including Constitution).	...	400	8. Literature, etc. ...	...	300
9. Roman Law ...	...	500	9. Greek History (Ancient, including Constitution). Latin not less than two sub-divisions, of which one must be Translation:—	...	500
10. French Language and Literature ...	...	500	10. Translation ...	...	400
11. German Language and Literature ...	...	500	11. Prose Composition ...	...	200
12. General Modern History (period to be selected by Candidates from list in the syllabus issued by the Commissioners, one period at least to include Indian History).	...	500	12. Verso Composition ...	...	200
13. Mathematics (pure and applied) ...	...	800	13. Literature, etc. ...	...	300
14. Advanced Mathematical subjects (pure and applied).	...	800	14. Roman History (Ancient, including Constitution).	...	500
			15. Roman Law ...	...	500
			16. French, History of the Language and Literature.	...	200
			17. French, Translation, Composition and Conversation.	...	400
			18. German, History of the Language and Literature.	...	200
			19. German, Translation, Composition and Conversation.	...	400
			20. Italian, History of the Language and Literature.	...	200
			21. Italian, Translation, Composition and Conversation.	...	400
			22. General Modern History ...	...	500
			23. Lower Mathematics ...	...	1,200
			24. Higher Mathematics ...	...	1,200

[A.—Indian Civil Service.

APPENDIX I.—*concl'd.*

Period of Age-limits, 21—23, i.e., 1892—1905.		Period of Age-limits, 23—24, i.e., 1906 to date.	
Subjects.	Marks.	Subjects.	Marks.
15. Natural Science, i.e., any number not exceeding three of the following subjects:— Elementary Chemistry and Elementary Physics ... 600 (N.B.—This subject may not be taken up by those who offer either Higher Chemistry or Higher Physics) — Higher Chemistry ... 600 Higher Physics ... 600 Geology ... 600 Botany ... 600 Zoology ... 600 Animal Physiology ... 600 16. Logic and Mental Philosophy (Ancient and Modern). ... 400 17. Moral Philosophy (Ancient and Modern) ... 400 18. Political Economy and Economic History ... 500 19. Political Science (including Analytical Jurisprudence, the early History of Institutions and Theory of Legislation). ... 500 20. Sanskrit Language and Literature ... 600 21. Arabic Language and Literature ... 500	1,800	25. Natural Science, i.e., any number not exceeding four of the following or three if both Lower and Higher Mathematics be also taken:— (1) Chemistry ... 600 (2) Physics ... 600 (3) Geology ... 600 (4) Botany ... 600 (5) Zoology ... 600 (6) Animal Physiology ... 600 (7) Geography ... 600 26. Logic and Physiology ... 600 27. Moral and Metaphysical Philosophy ... 600 28. Political Economy and Economic History ... 600 29. Political Science ... 600 31. Sanskrit Language and Literature ... 800 32. Arabic Language and Literature ... 800	2,400 or 1,800

Candidates are at liberty to name any or all of these branches of knowledge. No subjects are obligatory.

Consistently with the limitations specified above Candidates are at liberty to name any of the foregoing subjects, provided that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000.

## APPENDIX II.

## THE INDIAN CIVIL SERVICE ACT, 1861.

(24 &amp; 25 Vict., Chap. 54.)

*An Act to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there.*

[1st August 1861.

WHEREAS by section fifty-six of an Act of the thirty-third year of King George the Third, Chapter fifty-two, it was enacted that all the civil servants of the East India Company in India under the rank or degree of Members of Council should have and be entitled to precedence in the service of the said Company at their respective stations according to their seniority of appointment, and that no such civil servant should be capable of being advanced or promoted to any higher station, rank or degree therein than he should be entitled to according to the length of his service; and by section fifty-seven of the same Act it was enacted that all vacancies happening in any of the offices, places, or employments in the civil line of the Company's services in India (being under the degree of Counsellor) should be from time to time filled up and supplied from amongst the civil servants of the said Company belonging to the presidency wherein such vacancies should respectively happen: And whereas by reason of the exigencies of the public service vacancies in certain offices, places and employments in India have been filled up by the appointment of persons not being civil servants, or not being civil servants belonging to the presidency wherein the vacancies have happened, and otherwise not in accordance with the provisions of the said enactments, and it is expedient that such appointments should be rendered valid, and also that the authorities in India should be empowered to make such appointments in like cases in future:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. All appointments made by the authorities in India to any such Offices, Places or Employments shall be and be deemed to have been as valid and effectual as if the Act hereinbefore recited or referred to had not been passed—(Rep. 55 & 56 Vict., c. 19).

2. All vacancies happening in any of the offices, places, or employments specified in the Schedule annexed to this Act, and all such offices which may be created hereafter, shall be filled up and supplied, except as hereinafter provided, from amongst the covenanted civil servants of the Crown in India.

3. Where it appears to the authority in India by whom an appointment should be made to any office, place, or employment specified in the said Schedule, that such appointment, under the special circumstances of the case, should be made without regard to the recited qualifications, conditions, and restrictions of the said Act, it shall be lawful for such authority to make such appointment accordingly; provided that no person shall be so appointed who has not resided for at least seven years in India, and that every person previously to his being so appointed to any of the offices in the Revenue and Judicial Departments specified in the said Schedule shall pass an

Appointments not in accordance with 33 G. 2, c. 52, valid. Vacancies in offices to be supplied by covenanted civil servants.

Persons not covenanted civil servants may, under special circumstances, be appointed to such offices subject to certain restrictions,

## A.—Indian Civil Service.]

examination in the vernacular language of the district in which he is to be employed, where such examination is now required, and shall be subject to all the departmental tests and other qualifications and restrictions which are or may be imposed in the like case on covenanted civil servants.

4. Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same; and unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of Members present at a meeting, and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled.

5. All vacancies happening in any other offices, places, or employments than those mentioned in the said Schedule, and all other offices than those so mentioned that may hereafter be created in India may be filled up and supplied without regard to the qualifications, conditions, and restrictions prescribed by the said Act.

6. Provided always that this Act shall not apply to the office of Lieutenant-Governor of any part of Her Majesty's dominions in India, or to any offices for the supply of which provision may be made by any other Act of the present session of Parliament.

7. Section fifty-six of the said Act of the thirty-third year of King George the Third, and so much of the other sections of the said Act and of any other Act now in force as requires seniority as a condition or qualification for the appointment of civil servants to offices, places, or employments, shall be repealed.

Such appointment in each case to be reported to the Secretary of State.  
Certain offices may be filled up without regard to restrictions prescribed by recited Act.  
Act not to apply to office of Lieutenant-Governor, etc.  
So much of 33 G. 3 c. 53, as requires seniority, etc., for appointment repealed.

## SCHEDULE.

Secretaries, Junior Secretaries, and Under-Secretaries to the several Governments of India, except the Secretaries, Junior Secretaries, and Under-Secretaries in the Military, Marine and Public Works Departments.

Accountant-General.  
Civil Auditor. (a)

Sub-Treasurer. (b)

## Judicial.

1. Civil and Sessions Judges, or Chief Judicial Officers of Districts in the Provinces now known as Regulation Provinces.

2. Additional and Assistant Judges in the said Provinces.

3. Magistrates or Chief Magisterial Officers of Districts in the said Provinces.

4. Joint-Magistrates in the said Provinces.

5. Assistant Magistrates or Assistant Magistrates in the said Provinces.

## Revenue.

1. Members of the Board of Revenue in the Presidencies of Bengal and Madras.

2. Secretaries to the said Boards of Revenue.

3. Commissioners of Revenue or Chief Revenue Officers of Divisions in the Provinces now known as Regulation Provinces.

4. Collectors of Revenue or Chief Revenue Officers of Districts in the said Provinces.

5. Deputy or Subordinate Collectors where combined with the Office of Joint-Magistrate in the said Provinces.

6. Assistant Collectors or Assistants to Collectors in the said Provinces.

7. Salt Agents.

8. Controller of Salt Chowkies.

9. Commissioners of Customs, Salt and Opium.

10. Opium Agents.

(a) Now called Comptroller-General.

(b) Now non-existent.

## APPENDIX III.

THE GOVERNMENT OF INDIA ACT, 1870.

(33 Vict., Cap. 3.)

*An Act to make better provision for making Laws and Regulations for certain parts of India, and for certain other purposes relating thereto.*

[25th March 1870.]

6. Whereas it is expedient that additional facilities should be given for the employment of Natives of India, of proved merit and ability, in the civil service of Her Majesty in India:

Be it enacted, that nothing in the Government of India Act, 1858, or in the Indian Civil Service Act, 1861, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any Native of India to any such office, place or employment, although such Native shall not have been admitted to the said civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor-General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present;

and that for the purpose of this Act the words "Natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only;

and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualification of Natives of India thus expressed; provided that every resolution made by him for such purposes shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

Power to appoint natives of India to certain offices without certificate from the Civil Service Commissioners.  
21 & 22 Vict. c. 106, s. 51.

## [A—Indian Civil Service.]

## APPENDIX IV.

*Notification of the Government of India, Home Department (Establishments), No. 1128, dated Simla, the 26th August 1910.*

In exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), and in supersession of the rules published in the Home Department Notification No. 2159 (Public), dated the 2nd November 1892, the Governor-General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present.

1. The local Government may appoint any member of the provincial civil service subordinate to it, who is a Native of India, and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of His Majesty in India, to fill which it has been declared by such local Government (by notification in the official Gazette) that members of such Provincial civil service can properly be appointed.

2. The local Government may at any time appoint any Native of India of proved merit and ability to any of the offices, places, and employments specified by such local Government in any such notification as in Rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by Natives of India not members of the Provincial civil service subordinate to the local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial service) who has, prior to the making of these rules, been appointed under section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), to an office, place, or employment in the Civil Service of India.

3. In addition to appointments made under Rules 1 and 2 the local Government may, whenever the exigencies of the public service render it necessary, appoint to any of the offices, places, or employments ordinarily held by members of the Civil Service of His Majesty in India, for a period not exceeding three months, any Native of India of proved merit and ability; provided that the appointment of any such officer shall not involve his transfer from another district.

4. The local Government may declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

5. The local Government may at any time suspend and remove any person appointed by such local Government under these rules.

A. EARLE,

*Offy. Secy. to the Govt. of India.*

## APPENDIX V.

*Statement showing Posts listed as open to the Provincial Civil Services.*

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces (and Berar).	Total.
<i>Superior Posts.</i>									
Heads of Districts ...	2	2	} 8 {	2	2	2	} 5 {	4	} 49
District and Divisional Judges.	4	3		5	6	2		2	
Settlement Collectors ...	...	...	...	...	2	1	...	...	3
Sub-Collectors ...	2	...	...	...	...	...	...	...	2
Secretary, Board of Revenue.	...	...	...	...	1	...	...	...	1
Talukdari Settlement Officer	...	1	...	...	...	...	...	...	1
Total ...	8	6	8	7	11	5	5	6	66
<i>Inferior Posts.</i>									
Secretary to Board of Revenue.	1	...	...	1	...	...	...	...	2
Under-Secretary to Government.	1	...	1	...	1	...	1	...	4
Joint Magistrates or Assistant Commissioners or Assistant Collectors.	5	8	8	7	3	...	...	2	33
Assistant Judges ...	...	3	...	...	...	...	...	...	3
Small Cause Court Judges	...	...	...	2	...	...	...	...	2
Assistant Settlement Officers	...	...	...	2	...	...	...	...	2
Assistant to Director of Land Records.	...	...	...	1	...	...	...	...	1
Total ...	7	11	9	13	4	...	1	2	47
GRAND TOTAL SUPERIOR AND INFERIOR.	15	17	17	20	16	5	6	8	103



## A.—Indian Civil Service.]

## APPENDIX VI.

FINAL EXAMINATION OF 1891 WHEN THE PERIOD OF PROBATION WAS TWO YEARS.				FINAL EXAMINATION OF 1912 WHEN THE PERIOD OF PROBATION WAS ONE YEAR.				
Subjects (a).			Marks.	Subjects.			Marks.	
1. *Classical languages of India—				<i>Compulsory—</i>				
Sanskrit ... ..			500	1. The principal Vernacular language of the Province to which the candidate is assigned.			400	
Arabic .. ..			400	2. Indian History ... ..			400	
Persian ... ..			400	3. Indian Penal Code ... ..			400	
2. †Vernacular languages of India (excepting Hindustani when taken up by Madras candidates and Gujrati) each.				400	4. Code of Criminal Procedure ... ..			200
3. The History and Geography of India				350	5. The Indian Evidence Act ... ..			200
4. ‡Law .. ..				1,250	<i>Optional—(Not more than one of the following subjects.)</i>			
5. Political Economy ... ..				350	1. §Sanskrit ... ..			400
					2. §Arabic ... ..			400
					3. Persian ... ..			400
					4. Hindustani (for candidates assigned to the Province of Burma only).			400
					5. Hindu and Muhammadan Law ... ..			450

(a) In addition to the above, candidates were permitted to take up any one of the following branches of Natural Sciences, viz., Agricultural chemistry, botany, geology and zoology, for which 350 marks were allowed.

\* One or more of these subjects could be taken.

† One of the languages prescribed for the candidates' Presidency or Province.

‡ The course of reading in law included—

- (1) General Jurisprudence—  
Blackstone's Commentaries.  
Austin's Jurisprudence.  
The Institutes of Justinian.  
Maitne's Ancient Law.  
Mackenzie's Studies in Roman Law.  
Bentham's Theory of Legislation.

- (2) Law of Evidence—  
The Indian Evidence Act.  
Pitt Taylor's Treatise on the Law of Evidence.

- (3) Law of India—  
The Code of Civil Procedure.  
The Indian Penal Code.  
The Code of Criminal Procedure.  
The Indian Law of Contracts.  
The Intestate and Testamentary Succession Act.  
Hindu Law.  
Muhammadan Law.

20th Report  
His Majesty's  
Civil Service  
Commis-  
sioners, 1912  
523-5.

Simultaneously, the candidates attended courts and supplied the following detailed reports, with an analysis and notes in each case:—

- First Periodical Examination ... Seven reports of police court cases of a stipendiary Magistrate, embracing cases in which the magistrate exercised final jurisdiction and cases which he committed for trial. Four civil cases of a county court in which the parties were represented by counsel. One separate report of the whole business, of whatever kind, transacted in a police court during one day.
- Second Periodical Examination .. Five reports of civil actions in the superior courts of London in which the defendant was represented by counsel. Five reports of cases decided in the Central Criminal Court in which the prisoner was represented by counsel.
- Third Periodical Examination ... Three reports of civil cases of importance tried before special juries in the Superior Courts of London. Three reports of criminal cases of importance tried before juries in the Central Criminal Court and selected for some special quality such as the gravity of the offence, the nature of the evidence produced, the number of the prisoners, etc.
- Final Examination ... One report of the investigation before a London police magistrate of a grave criminal charge ending in committal. One report of the whole business, of whatever kind, transacted in a London police court in one day. Two reports of important civil cases tried by a special jury in London. One report of a case heard in the Judicial Committee of the Privy Council on appeal from India.

§ Three subjects cannot be offered by any candidate who has offered them at the open competition.

## APPENDIX VII.

## AA.

STATEMENT showing the CADRE and STRENGTH of the INDIAN CIVIL SERVICE for INDIA as a whole and by PRESIDENCIES or PROVINCES, as sanctioned on 1st July 1912, together with the number of posts listed as open to the Provincial Service in accordance with the terms of the rules made under the provisions of Section 6 of the Government of India Act, 1870 (33 Vict., Cap. 8).

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces	Assam.	Total.
(1) No. of "Superior" posts, <i>i.e.</i> , posts carrying a salary of over Rs. 1,000 a month in the Presidency or Province.	87	84	90	111	80	83	54	51	22	662
(2) Deduct for posts listed as open to Provincial Service.	8	6	8	7	11	5	5	6	...	56
(3) Add for posts under the Government of India (a).	8	8	8	10	7	5	5	..	2	58
(4) Balance number of "Superior" posts.	87	86	90	114	76	84	54	49	24	564
(5) Add 4 per cent. for temporary posts, and for deputation. [N.B.—For such posts additions are made in the lowest grade of assistants.]	3	3	4	5	3	3	2	2	1	26
(6) Total number of "Superior" posts on which recruitment is based.	90	89	94	119	79	87	56	51	25	690
(7) Add "Inferior" posts, <i>i.e.</i> , posts above the lowest grade of assistants, but below the "Superior" posts, at 39 per cent. of line (6).	35	35	37	46	31	34	22	20	9	269
(8) Add leave reserve at 40 per cent. of line (6).	36	35½	37½	47½	32	35	22½	20	10	276
(9) Add training reserve at 15·5 of line (6).	14	13½	14½	18½	12	13	8½	8	4	106
(10) Strength of service required at 194·5 per cent. of line (6).	170	173	183	231	154	169	109	99	48	1,341
(11) Rate of recruitment at 4·17 per cent. of strength shown in line (10).	7·3	7·2	7·6	9·6	6·4	5·8 Civil. 1·7 Military.	4·5	4·1	2·0	54 Civil. 1·7 Military.

(a) The figures under this line are fixed arbitrarily from time to time for purposes of recruitment, and are not intended to limit or guarantee the number of posts under the Government of India, which may at any time be filled from a particular Province.

## A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST A.

## MADRAS.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of enoh.
		Rs.
2	Members of Council ... ..	5,333½
2	High Court Judges ... ..	4,000
1	Member, Board of Revenue ... ..	3,750
1	Chief Secretary ... ..	3,750
1	Member, Board of Revenue ... ..	3,500
1	Secretary, Revenue Department ... ..	3,125
2	Members, Board of Revenue ... ..	3,000
2	District and Sessions Judges, first grade ... ..	3,000
1	Inspector-General of Police ... ..	2,500—100—3,000
1	Resident, Travancore ... ..	2,800
7	District and Sessions Judges, second grade ... ..	2,500
1	Secretary, Municipal (Local) Department ... ..	2,500
(a) 7	Collectors, first grade ... ..	2,500
7	District and Sessions Judges, third grade ... ..	2,250
(a) 14	Collectors, second grade ... ..	2,250
6	District and Sessions Judges, fourth grade ... ..	2,000
1	Commissioner of Coorg ... ..	1,800—2,000
(c) 6	Collectors, third grade ... ..	1,800
1	Secretary to Commissioner of Land Revenue ... ..	1,500—1,800
1	Secretary to Commissioner, Salt and Abkari Revenue ... ..	1,500—1,800
1	Registrar, High Court ... ..	1,500—1,800
1	Private Secretary ... ..	1,500
(b) 20	Sub-Collectors and Joint Magistrates, first grade ... ..	1,200
Total ... 87		
Deduct ... —8	For posts listed as open to the Provincial Service.	
Add ... +5	Do. under the Government of India.	
Balance 87		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay.</i>	
3	Under-Secretaries ... ..	1,000
16	Joint Magistrates, second grade ... ..	900
16	Ditto, third grade ... ..	700
Total ... 35		
	<i>Reserve posts, i.e., Assistant Collectors.</i>	400—500
3	Reserve for temporary posts and for deputations.	
36	Leave reserve.	
14	Training reserve.	
Total ... 53		

(a), Includes Chief of Madras, Director of Agriculture, and Registrar of Co-operative Credit Societies.  
 (b), Includes Chief of Madras, Director of Agriculture, and Registrar of Co-operative Credit Societies.

## [A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST B.

## BOMBAY (INCLUDING SIND).

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
2	Members of Council ... ..	5,333½
3	High Court Judges ... ..	4,000
1	Chief Secretary ... ..	3,750
1	Commissioner in Sind ... ..	3,750
3	Commissioners ... ..	3,500
1	Secretary ... ..	3,125
1	Commissioner of Customs, Salt, Opium, etc. ... ..	3,000
1	Municipal Commissioner, Bombay ... ..	3,000
1	Judicial Commissioner, Sind ... ..	3,000
1	Inspector-General of Police ... ..	2,500—100—3,000
1	Additional Judicial Commissioner ... ..	2,750
(a) 3	District and Sessions Judges, first grade ... ..	2,500
1	Secretary ... ..	2,500
6	District and Sessions Judges, second grade ... ..	2,325
13	Senior Collectors ... ..	2,325
1	Commissioner of Settlement and Director, Land Records	Salary of grade <i>plus</i> a local allowance of Rs. 250.
9	District and Sessions Judges, third grade ... ..	1,800
(b) 15	Junior Collectors ... ..	1,800
1	Registrar, High Court ... ..	1,700
1	Private Secretary ... ..	1,500
1	Deputy Commissioner, Upper Sind Frontier ... ..	1,200
		{ Local allowance of Rs. 300.
3	Political appointments ... ..	.....
1	Assistant Remembrancer of Legal Affairs .. ..	1,250—50—1,500
2	Under-Secretaries .. ..	1,250
1	Talukdari Settlement Officer ... ..	1,100
		1,100
1	Assistant to Commissioner in Sind ... ..	{ Local allowance of Rs. 100.
1	Manager, Sind Encumbered Estates ... ..	Salary of grade <i>plus</i> special allowance of Rs. 200.
2	Superintendents of Land Records ... ..	{ Salary of grade <i>plus</i> special allowance of Rs. 150.
1	Registrar, Co-operative Credit Societies ... ..	900 (c)
5	Assistant Collectors, first grade ... ..	
Total ... 84		
Deduct — 6		
Add + 8		
Balance 86		
Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay.		
17	Assistant Collectors, first grade ... ..	900
18	Ditto, second grade ... ..	700
Total ... 35		
Reserve posts, i.e., Assistant Collectors.		400—500
3	Reserve for temporary posts and for deputations.	
35½	Leave reserve.	
13½	Training reserve.	
Total ... 52		

(a) Includes Remembrancer of Legal Affairs.

(b) Includes Collector of Salt Revenue, Collector of Bombay and Director of Agriculture and Co-operative Credit Societies, but excludes Collector of Customs, Bombay.

(c) It has recently been proposed to raise the pay of these five appointments to Rs. 1,200.

[A—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST C.

## BENGAL.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
2	Members of Council ... ..	5,333 $\frac{1}{3}$
4	High Court Judges ... ..	4,000
1	Member, Board of Revenue ... ..	3,750
1	Chairman, Calcutta Corporation ... ..	3,500
1	Chief Secretary ... ..	3,333 $\frac{1}{3}$
(a) 3	District and Sessions Judges, first grade ... ..	3,000
1	Chairman of the Calcutta Improvement Trust ... ..	3,000
5	Commissioners ... ..	2,916 $\frac{2}{3}$
1	Inspector-General of Police ... ..	2,500—100—3,000
2	Secretaries ... ..	2,750
(a) 13	District and Sessions Judges, second grade ... ..	2,500
(b) 12	Magistrates and Collectors, first grade ... ..	2,250
(a) 14	District and Sessions Judges, third grade ... ..	2,000
(b) 13	Magistrates and Collectors, second grade ... ..	1,800
1	Registrar, High Court ... ..	1,700
(b) 14	Magistrates and Collectors, third grade ... ..	1,500
1	Private Secretary to His Excellency the Governor ... ..	1,500
1	Deputy Chairman, Calcutta Corporation ... ..	1,500
Total ... 90		
Deduct — 8	For posts listed as open to the Provincial Service.	
Add + 8	Do. under the Government of India.	
Balance 90		
	<i>Inferior posts (i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay excluding one listed Under-Secretaryship).</i>	
2	Under-Secretaries ... ..	1,000
17	Joint Magistrates ... ..	900
17	Ditto ... ..	700
Total ... 36		
	<i>Reserve posts, i.e., Assistant Magistrates.</i>	400—500
4	Reserve for temporary appointments and deputations.	
37 $\frac{1}{2}$	Leave reserve.	
14 $\frac{1}{2}$	Training reserve.	
Total ... 56		

(a) Includes Superintendent and Remembrancer of Legal Affairs and three District and Sessions Judges for Assam.

(b) Includes Commissioner of Excise, Director of Land Records, Director of Agriculture, two Secretaries to the Board of Revenue, Registrar of Co-operative Credit Societies, three Settlement Officers and four Additional Magistrates for Dacca, Midnapore, Baharganj and Mymensingh.

[A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST D.

## UNITED PROVINCES.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor ... ..	8,333 $\frac{1}{2}$
3	High Court Judges ... ..	4,000
1	Judicial Commissioner ... ..	3,500
2	Members, Board of Revenue ..	3,500
1	Additional Judicial Commissioner ..	3,333 $\frac{1}{2}$
1	Chief Secretary ... ..	3,000
2	District and Sessions Judges, first grade ...	3,000
9	Commissioners ... ..	2,916 $\frac{2}{3}$
1	Inspector-General of Police ... ..	2,500—100—3,000
1	Opium Agent ... ..	2,500—100—3,000
1	Commissioner, Kumaun ... ..	2,500
(a) 7	District and Sessions Judges, second grade ...	2,500
(b) 19	Magistrates and Collectors, first grade ...	2,250
(a) 6	District and Sessions Judges, third grade ...	2,250
10	District and Sessions Judges, fourth grade ...	1,833 $\frac{1}{2}$
(b) 17	Magistrates and Collectors, second grade ...	1,833 $\frac{1}{2}$
4	Deputy Commissioners, first grade ...	1,833 $\frac{1}{2}$
3	District and Sessions Judges, fifth grade ...	1,666 $\frac{2}{3}$
(b) 10	Deputy Commissioners, second grade ...	1,666 $\frac{2}{3}$
1	Registrar, High Court ... ..	1,600
4	Settlement Officers ... ..	} Salary of grade plus special allowance of Rs. 150.
1	Deputy Director of Land Records ... ..	
1	Registrar, Co-operative Credit Societies ...	
1	Superintendent, Dehra Dun ..	
1	Deputy Commissioner, Naini Tal ...	1,500
1	Assistant Judge ... ..	1,500
2	Deputy Commissioners of Garhwal and Almora ..	1,100
		1,000
Total ... 111		
Deduct — 7	For posts listed as open to the Provincial Service	
Add + 10	Do. under the Government of India.	
Balance 114		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay.</i>	
2	Under-Secretaries ... ..	1,000
1	Under-Secretary ... ..	800
1	City Magistrate, Lucknow ..	1,000
14	Joint Magistrates, first grade ...	1,000
6	Assistant Commissioners, first grade ...	800
1	Assistant Judge ... ..	800
20	Joint Magistrates, second grade ...	700
1	Registrar, Judicial Commissioner's Court ...	Salary of grade.
Total ... 46		
	<i>Reserve posts, i.e., Assistant Collectors.</i>	400—500
5	Reserve for temporary posts and for deputations.	
47 $\frac{1}{2}$	Leave reserve.	
18 $\frac{1}{2}$	Training reserve.	
Total ... 71		

(a) Includes the Legal Remembrancer.

(b) Includes two Secretaries in the Board of Revenue, Judicial and Financial Secretaries to Government, Director of Land Records and Agriculture and Commissioner of Excise.

## A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST E.

## PUNJAB (EXCLUDING THE NORTH-WEST FRONTIER PROVINCE).

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor	8,333½
1	Chief Judge, Chief Court	4,000
2	Judges, Chief Court	3,500
2	Financial Commissioners	3,500
1	Chief Secretary	3,000
5	Commissioners	2,750
2	Divisional Judges, 1st grade	2,750
3	Divisional Judges, 2nd grade	2,500
5	Divisional Judges, 3rd grade	2,250
(a) 10	Deputy Commissioners, 1st grade	2,250
6	Divisional Judges, 4th grade	1,800
(a) 11	Deputy Commissioners, 2nd grade	1,800
8	District Judges	1,500
(a) 13	Deputy Commissioners, 3rd grade	1,500
6	Settlement Officers	} Salary of grade plus special allowance of Rs. 150.
1	Registrar, Co-operative Credit Societies	
1	Senior Secretary to Financial Commissioners	Salary of grade, subject to a minimum of Rs. 1,200 and a maximum of Rs. 1,800.
1	Junior Secretary to Financial Commissioners	Salary of grade, subject to a maximum of Rs. 1,500 and a minimum of Rs. 1,000.
1	Registrar, Chief Court	1,250
Total .. 80		
Deduct — 11	For posts listed as open to the Provincial Service.	
Add + 7	Do. under the Government of India.	
Balance 76		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay (excluding one Under-Secretaryship listed).</i>	
2	Under Secretaries	1,000
14	Assistant Commissioners, 1st grade	900
15	Ditto, 2nd grade	700
Total ... 31		
	<i>Reserve posts, i.e., Assistant Commissioners of the lowest grade.</i>	400—500
3	Reserve for temporary posts and for deputations.	
32	Leave reserve.	
12	Training reserve.	
Total ... 47		

(a) Includes two Secretaries of Government, Director of Land Records, Director of Agriculture and Political Agent in the Frontier States.

[A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST F.

## BURMA.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor ... ..	8,333½
1	Chief Judge, Chief Court ... ..	4,000
1	Judge, Chief Court ... ..	3,500
1	Judicial Commissioner, Upper Burma ... ..	3,500
1	Financial Commissioner ... ..	3,500
1	Chief Secretary to Government ... ..	3,000
8	Commissioners of Divisions ... ..	2,750
1	Commissioner of Settlements and Director of Land Records. ... ..	2,750
2	Divisional Judges, 1st grade ... ..	2,750
1	President, Rangoon Municipality ... ..	2,500 (a)
1	Director of Agriculture ... ..	2,400 (d)
2	Divisional Judges, 2nd grade ... ..	2,250
(c) 12	Deputy Commissioner, 1st grade ... ..	2,250
1	Revenue Secretary to Government ... ..	2,250 (b)
1	Secretary to Government ... ..	2,250 (b)
2	Divisional Judges, 3rd grade ... ..	1,800
(c) 13	Deputy Commissioners, 2nd grade ... ..	1,800
8	District Judges ... ..	1,500
(c) 15	Deputy Commissioners, 3rd grade ... ..	1,500
1	Deputy Director of Land Records ... ..	1,600 (b)
1	Secretary to Financial Commissioner ... ..	1,500 (b)
1	Registrar, Chief Court ... ..	1,400 (b)
6	Settlement Officers ... ..	} Salary of grade plus special allowance of Rs. 150.
1	Registrar, Co-operative Credit Societies ... ..	
Total ...	83	
Deduct ...	— 5	For posts listed as open to the Provincial Service.
Add ...	+ 6	For posts under the Government of India.
Balance ...	84	
<i>Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay.</i>		
11	Assistant Commissioners, 1st grade ... ..	1,000
13	Assistant Commissioners, 2nd grade ... ..	700
10	Assistant Commissioners, 3rd grade ... ..	600
Total ...	34	
<i>Reserve posts, i.e., Assistant Commissioners of the 4th grade.</i>		450—500
3	Reserve for temporary posts and for deputations.	
35	Leave reserve.	
13	Training reserve.	
Total ...	51	

(a) Maximum salary, including a local allowance of Rs. 250 a month.

(b) Maximum salary including a local allowance of Rs. 400, Rs. 300, Rs. 200, Rs. 200 and Rs. 200, respectively.

(c) Includes Superintendent of Shan States, Collector of Rangoon and Commissioner of Excise, the latter officer drawing the salary of grade plus a local allowance of Rs. 200, without a maximum.

(d) Maximum salary including a local allowance of Rs. 150 a month.



## A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST G.

## BIHAR AND ORISSA.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor ... ..	8,333½
2	Members of Council ... ..	5,000
2	High Court Judges ... ..	4,000
1	Member, Board of Revenue ... ..	3,500
1	Chief Secretary ... ..	3,000
(a) 2	District and Sessions Judges, 1st grade ... ..	3,000
5	Commissioners ... ..	2,916½
1	Inspector-General of Police .. ...	2,500—100—3,000
(a) 5	District and Sessions Judges, 2nd grade ... ..	2,500
(b) 9	Magistrates and Collectors, 1st grade ... ..	2,250
(a) 5	District and Sessions Judges, 3rd grade ... ..	2,000
(b) 10	Magistrate and Collectors, 2nd grade ... ..	1,800
(b) 10	Ditto, 3rd grade ... ..	1,500
Total ... 54		
Deduct ... -5	For posts listed as open to the Provincial Service.	
Add ... +5	Do. under the Government of India.	
Balance... 54	On which recruitment is based.	
	<i>Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts (including one listed Under-Secretary) in order of pay.</i>	
2	Under-Secretaries ... ..	1,000
10	Joint Magistrates, 1st grade ... ..	900
10	Ditto, 2nd grade .. ...	700
Total ... 22		
	<i>Reserve posts, i.e., Assistant Magistrates.</i>	400—500
2	Reserve for temporary posts and for deputations.	
22½	Leave reserve.	
8½	Training reserve.	
Total ... 33		

(a) Includes Superintendent and Remembrancer of Legal Affairs and Judicial Commissioner, Chota Nagpur.

(b) Includes two Secretaries to Government, and Directors of Land Records and Agriculture, Commissioner of Excise, Registrar of Co-operative Credit Societies, two Settlement Officers and Political Officer, Orissa.

[A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST H.

## CENTRAL PROVINCES AND BERAR.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
<i>Central Provinces.</i>		Rs.
1	Chief Commissioner .. ...	5,166½
1	Financial Commissioner .. ...	3,500
1	Judicial Commissioner .. ...	3,500
1	Additional Judicial Commissioner .. ...	3,000
1	Second Additional Judicial Commissioner .. ...	2,750
3	Commissioners .. ...	2,750
2	Ditto .. ...	2,500
1	Senior Divisional Judge .. ...	2,500
(a) 8	Deputy Commissioners, 1st class .. ...	2,250
(a) 12	Ditto, 2nd class .. ...	1,800
(a) 14	Ditto, 3rd class .. ...	1,500
4	Settlement Officers .. ...	} Salary of grade <i>plus</i> special allowance of Rs. 150.
1	Director of Agriculture .. ...	
1	Registrar, Co-operative Credit Societies .. ...	
Total ... 51		
Deduct — 6	For posts listed as open to the Provincial Service.	
Add + 4	Do. under the Government of India.	
Balance ... 49		
<i>Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay.</i>		Rs.
6	Assistant Commissioners, 1st grade .. ...	900
13	Ditto, 2nd grade .. ...	700
Total ... 19		
NOTE.—There is a defect of one post. It has recently been proposed to correct the defect and to grade the 20 posts as follows :—		
10	Assistant Commissioners, 1st grade .. ...	900
10	Ditto, 2nd grade .. ...	700
Total ... 20		
<i>Reserve posts, i.e., Assistant Commissioners of the lowest grade.</i>		400-500
2	Reserve for temporary post and for deputations.	
20	Leave reserve.	
8	Training reserve.	
Total ... 30		

(a) Includes Chief Secretary, Secretary, Political Agent of Chhattisgarh, Commissioner of Excise, Commissioner of Settlement, three Divisional Judges, Inspector-General of Police, and two District and Sessions Judges, and one Secretary to the Chief Commissioner. The Inspector-General of Police draws a local allowance of Rs. 450, subject to a maximum salary of Rs. 2,500 a month.

## A.—Indian Civil Service.]

APPENDIX VII.—*contd.*

## LIST I.

## ASSAM.

*Superior Posts in Order of Pay.*

Number.	Designation.	Pay of each.
		Rs.
1	Chief Commissioner ... ..	5,166½
2	Commissioners ... ..	2,750
(a) 6	Deputy Commissioners, 1st grade ... ..	2,250
(a) 7	Ditto, 2nd grade ... ..	1,800
(a) 6	Ditto, 3rd grade ... ..	1,500
<hr/>		
Total ... 22		
Deduct Nil.	For posts listed as open to the Provincial Service.	
Add + 2	Do. under the Government of India.	
Balance ... 24		
<hr/>		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants, but below the "superior" posts in order of pay.</i>	
2	Under-Secretaries ... ..	1,000
4	Joint Magistrates, 1st grade ... ..	900
3	Ditto, 2nd grade ... ..	700
Total ... 9		
<hr/>		
	<i>Reserve posts, i.e., Assistant Magistrates.</i>	400—500
1	Reserve for temporary posts and for deputations.	
10	Leave reserve.	
4	Training reserve.	
Total 15		

(c) Includes Superintendent of Lushai Hills; Commissioner of Excise, Inspector-General of Registration and Registrar of Co-operative Credit Societies; Director of Land Records and Agriculture; two Secretaries to the Chief Commissioner; Inspector-General of Police; one Settlement Officer, and Political Agent, Manipur.

## LIST J.

*Superior Posts under the Government of India.*

Number.	Designation.	Pay of each.
		Rs.
3	Members of Council ... ..	6,666½
	Home Department—	
1	Secretary ... ..	4,000
1	Deputy Secretary ... ..	2,000
1	Director, Criminal Intelligence ... ..	3,000
1	Superintendent of Port Blair ... ..	2,500—3,000
	Finance Department—	
1	Secretary ... ..	4,000
1	Joint Secretary ... ..	3,000
1	Deputy Secretary ... ..	2,250
1	Comptroller and Auditor-General ... ..	3,500—4,000
3	Accountants-General ... ..	2,250—2,750
3	Officers of the India Finance Department ... ..	1,100—1,800

## [A.—Indian Civil Service.

APPENDIX VII.—*conold.*LIST J.—*conold.*

Number.	Designation.	Pay of each.
		Rs.
	Foreign Department—	
1	Secretary ... ..	4,000
1	Deputy Secretary ... ..	2,250
23	Political Officers ... ..	1,100—4,000
	Legislative Department—	
1	Secretary or Deputy Secretary ... ..	3,000—3,500 or 2,000
	Department of Revenue and Agriculture—	
1	Secretary ... ..	4,000
	Department of Commerce and Industry—	
1	Secretary ... ..	4,000
1	Director-General of Posts and Telegraphs ... ..	3,000—3,500
4	Postmasters-General .. ..	1,500—1,750 or 1,750—2,000 or 2,250—2,500
1	Commissioner, Northern India Salt Revenue ... ..	2,500
1	Inspector-General of Excise and Salt ... ..	3,000
3	Collectors of Customs ... ..	2,050—2,500
2	Assistant Collectors of Customs .. ..	1,150—1,400
	Department of Education—	
1	Secretary ... ..	3,000
Total ... 58		

## BB.

STATEMENT showing for INDIA as a whole and by PRESIDENCIES and PROVINCES the actual strength of the INDIAN CIVIL SERVICE CADRE, as it stood on 1st July 1912, compared with the strength at which it should have stood on the same date in accordance with the sanctioned calculations.

Provinces.	Sanotioned strength.	Actual strength on 1st July 1912.	Number of officers over(+) or under(−) strength.
1	2	3	4
Madras ... ..	175	173	− 2
Bombay ... ..	173	176 (a)	+ 3
Bengal ... ..	183	174 (b)	− 9
United Provinces ... ..	231	237 (c)	+ 6
Punjab ... ..	154	{ Civilians 162 (d) ... } Military 29 (e) ... }	191 + 37
Burma ... ..	169	{ Civilians 126 ... } Military 49 ... }	175 + 6
Bihar and Orissa ... ..	109	107 (f)	− 2
Central Provinces ... ..	99	104 (g)	+ 5
Assam ... ..	48	{ Civilians 39 ... } Military 9 ... }	48 ...
Total ... ..	1,341	1,385	+ 44

(a) Excluding Sir B. Robertson, who permanently belongs to the Central Provinces, where he has been included, but including Mr. H. C. Miles of the Sind Commission.

(b) Excluding Messrs. Nathan and Hallett, who have been temporarily lent by Bihar and Orissa to Bengal and have been included in the Bihar and Orissa cadre.

(c) Including Sir H. Butler, who has not been numbered in the Civil List, but excluding Messrs. W. Aldor and T. K. Johnston, who have been temporarily transferred to, and included in the Bengal cadre.

(d) Including Messrs. O'Dwyer, Lorimer, Barton, Grant, Rennie, Johnston, Glancy, Pilon, Bolton, Pears, Jelf, Howell, Bill, Copeland, Fraser, Fitzpatrick, Latimer, serving in the Political Department under the Government of India in the North-West Frontier Province, and Messrs. Bray and Cater, also serving under the Government of India in the Political Department in Baluchistan, and excluding Messrs. Cowan, Macnair and Jacob, serving in Bengal, where they have been included, and Mr. Gordon, serving in Assam, in which he has also been included.

(e) Including Lieutenant-Colonel Rawlinson, Mr. J. S. Donald, Major Blakeway, Lieutenant-Colonel Sir G. Roos-Koppel and Captain Koen, serving in the Political Department under the Government of India in the North-West Frontier Province.

(f) Excluding the late Mr. Shettle.

(g) Including Sir B. Robertson, who permanently belongs to the Central Provinces, but has been wrongly omitted from the Civil List, but excluding Messrs. Crawford (serving in Bihar and Orissa, where he has been included), and Liddell (serving in Bengal, in which he has been included), and three Indian members of the Berar Commission who have been treated as holding posts corresponding to three listed posts.

Nature of posts.	MADRAS.		BOMBAY.		BENGAL.		UNITED PROVINCES.	
	No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.
		Rs.		Rs.		Rs.		Rs.
Lieutenant-Governors and Chief Commissioners.	...	.....	...	.....	...	.....	1	8,333½
Members of Councils...	2	5,333½	2	5,333½	2	5,333½	...	.....
Judges of High or Chief Courts	2	4,000	3	4,000	4	4,000	3	4,000
Judges of Revenue or Financial Commissioners.	4 { (1) 3,750 (1) 3,500 (2) 3,000		...	.....	1	3,750	2	3,500
Commissioners of Divisions and others of same rank.	...	.....	6 { (1) 3,750 (3) 3,500 (2) 3,000 (1) 3,750 (1) 3,125 (1) 2,500		5 { 2,316½		10 { (9) 2,916½ (1) 2,500	
Secretaries to Government.	3 { (1) 3,750 (1) 3,125 (1) 2,500		3 { (1) 3,750 (1) 3,125 (1) 2,500		3 { (1) 3,333½ (2) 2,750		1	3,000
Secretaries to Boards of Revenue or Financial Commissioners.	2	1,600-1,800	...	.....	...	.....	...	.....
Judicial Commissioners	...	.....	2 { (1) 3,000 (1) 2,750		...	.....	2 { (1) 3,500 (1) 3,333½	
District and Sessions Judges or Divisional Judges and District Judges.	22 { (2) 3,000 (7) 2,500 (7) 2,250 (6) 2,000		18 { (3) 2,500 (6) 2,325 (9) 1,800		80 { (3) 3,000 (13) 2,500 (14) 2,000		28 { (2) 3,000 (7) 2,500 (6) 2,250 (10) 1,833½ (3) 1,666½ (19) 2,250 (21) 1,833½ (10) 1,666½ (2) 1,500 (2) 1,000	
Collectors or Deputy Commissioners.	37 { (7) 2,500 (14) 2,250 (6) 1,800		29 { (13) 2,325 (15) 1,800 (1) 1,500		39 { (12) 2,250 (13) 1,800 (14) 1,500		54 { (2) 2,500 (21) 1,833½ (10) 1,666½ (2) 1,500 (2) 1,000	
Political Officers	1	2,803	3	.....	...	.....	...	.....
Miscellaneous posts	(a) 4 { (1) 2,500-3,000 (1) 1,800-2,000 (1) 1,500-1,800 (1) 1,500		(b) 6 { (1) 2,500-3,000 (1) 1,700 (1) 1,500 (1) 1,250-1,500 (2) 1,100		6 { (1) 2,500-3,000 (1) 1,700 (1) 1,500 (1) 1,300 (1) 1,100		4 { (2) 2,500-3,000 (1) 1,600 (1) 1,100	
Under-Secretaries to Government.	3	1,000	2	1,250	2	1,000	3	1,000
Joint Magistrates or Assistant Commissioners, 1st grade	20	1,200	...	.....	...	.....	...	.....
Joint Magistrates or Assistant Commissioners, 2nd (1st) grade.	16	900	17	900	17	900	22 { (15) (e) 1,000 (7) (f) 850	
Joint Magistrates or Assistant Commissioners, 3rd (2nd) grade.	16	700	18	700	17	700	20	700
Joint Magistrates or Assistant Commissioners, 4th (3rd) grade.	...	...	...	.....	...	.....	...	.....
Assistant Collectors or Commissioners.	53	400-500	57	400-500	56	400-500	71	400-500
Appointments which do not carry fixed pay and the salary of which depends on the position of their holders.	...	.....	5	...	...	...	7	...
Total	175	.....	171	.....	182	.....	228	.....

(a) Inspector-General of Police, Commissioner of Coop., Registrar of High Court and Private Secretary to Governor.  
 (b) Inspector-General of Police, Registrar of High Court, Private Secretary to Governor, Assistant Legal Remembrancer, Assistant to Commissioner in Field and Sanitary Settlement Officer.  
 (c) Chairman of Calcutta Corporation, Chairman of Calcutta Improvement Trust, Inspector-General of Police, Registrar of High Court, Private Secretary to Governor and Deputy Chairman of Calcutta Corporation.  
 (d) Inspector-General of Police, Opium Agent, Registrar of High Court and Assistant Judge.  
 (e) Includes City Magistrate of Lucknow.  
 (f) Includes an Assistant Judge.

## DIX VIII.

PUNJAB.		BURMA.		BIHAR AND ORISSA.		CENTRAL PROVINCES AND BERAH.		ASSAM.	
No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.	No.	Pay.
	Rs.		Rs.		Rs.		Rs.		Rs.
1	8,333½	1	8,333½	1	8,333½	1	5,166½	1	5,166½
...	.....	...	.....	2	5,000	...	.....	...	.....
3 {	(1) 4,000	2 {	(1) 4,000	2	4,000	...	.....	...	.....
(2)	3,500	(2)	3,500	...	.....	...	.....	...	.....
2	3,500	1	3,500	1	3,500	1	3,500	...	.....
} 6	2,750	9	2,750	5	2,916½	6 {	(3) 2,750	} 2	2,750
						(2)	2,500		
1	3,000	1	3,000	1	3,000	...	.....	...	.....
2 {	(1) 1,200-1,800	...	..	...	.....	...	.....	...	.....
(1)	1,000-1,500	...	..	...	.....	...	.....	...	.....
...	.....	1	3,500	...	..	3 {	(1) 3,500	} ...	.....
						(1)	3,000		
						(1)	2,750		
2 {	(2) 2,750	14 {	(2) 2,750	12 {	(2) 3,000	} 1	2,500	(7)	.....
(3)	2,500	(2)	2,250	(5)	2,500				
(6)	2,250	(2)	1,800	(5)	2,000				
(8)	1,800	(8)	1,500						
(8)	1,500	(12)	2,250	29 {	(9) 2,250	34 (7)	(8) 2,250	19 {	(6) 2,250
(10)	2,250	(13)	1,800	(10)	1,800	(12)	1,800	(7)	1,800
(11)	1,800	(15)	1,500	(10)	1,500	(14)	1,500	(8)	1,500
(13)	1,500								
...	.....	...	.....	...	.....	...	.....	...	.....
(g) 1	1,250	...	.....	1 (h)	2,500-3,000	...	.....	...	.....
2	1,000	...	.....	2	1,000	...	.....	2	1,000
...	.....	...	.....	...	..	...	.....	...	.....
14	900	11	1,000	10	900	6	900	4	900
15	700	13	700	10	700	13	700	3	700
...	.....	10	600	...	..	...	.....	...	.....
47	400-500	51	450-500	33	400-500	31	400-500	15	400-500
7	.....	14	.....	...	.....	6	.....	...	.....
158	.....	168	.....	109	.....	101	.....	46	.....

(g) Registrar of Chief Court.

(h) Inspector-General of Police.

(i) Includes Divisional Judges except the Senior Divisional Judge.

(j) Three District and Sessions Judges are graded with the Bengal cadre.

## A.—Indian Civil Service.]

## APPENDIX VIII.—concluded.

DD.

Presidency or Province.	COLLECTORY OR DEPUTY COMMISSIONERS.						DISTRICT AND SESSIONS JUDGES, INCLUDING DIVISIONAL AND DISTRICT JUDGES.						JOINT MAGISTRATES ASSISTANT COLLECTORS AND ASSISTANT COMMISSIONERS.					
	Appointments in the grades of Rs. 2,250 and over.		Appointments in the grades of Rs. 1,800 and over, but less than Rs. 2,250.		Appointments in the grades of Rs. 1,500 and over, but less than Rs. 1,800.		Appointments in the grades of Rs. 2,250 and over.		Appointments in the grades of Rs. 1,800 and over, but less than Rs. 2,250.		Appointments in the grades of Rs. 1,500 and over, but less than Rs. 1,800.		Appointments in the grades of Rs. 900 and over, but below Rs. 1,500.		Appointments in the grades of Rs. 700 and over, but below Rs. 900.		Appointments in the grades of Rs. 500 and over, but below Rs. 700.	
	Total number of appointments.	No.	Per-centage.	No.	Per-centage.	No.	Total number of appointments.	No.	Per-centage.	No.	Per-centage.	No.	Total number of appointments.	No.	Per-centage.	No.	Per-centage.	No.
Madras	27	21	77.8	6	22.2	...	23	16	72.7	6	27.3	...	106	36	34	10	15.3	53
Bombay	29	13	44.8	15	51.7	1	18	9	50	9	50	...	92	17	18.6	18	19.0	67
Bengal	39	12	30.8	13	33.3	14	30	16	53.3	14	46.7	...	90	17	18.8	17	18.8	56
United Provinces	54	19	35.2	21	38.9	14*	28	15	53.6	10	35.7	3	113†	15	13.3	27	23.9	71
Punjab	34	10	29.6	11	32.3	13	24	10	41.7	6	25	8	76	11	18.4	15	19.8	47
Burma	40	13	30	13	32.5	15	11	4	28.6	2	14.3	8	85	11	12.9	13	15.3	61
Bihar and Orissa	29	9	31.0	10	34.5	10	12	7	58.3	5	41.7	...	53	10	18.9	10	18.9	33
Central Provinces and Berar.	34	8	23.5	12	35.3	14	1	1	100	...	...	...	50	6	12	13	26	31
Azam	19	6	31.6	7	36.8	6	...	...	...	...	...	...	22	4	18.1	3	13.6	15
																		68.3

\* Includes two hill Deputy Commissionerships which carry a pay of Rs. 1,000 each on account of their amplexes.

† Includes City Magistrate, Lucknow, and an Assistant Judge on Rs. 300.

## [A.—Provincial Civil Service.]

## APPENDIX A.

*Resolution of the Government of India, Home Department (Establishments), Nos. 1046-1058, dated Simla, the 19th August 1910.*

The Governor-General in Council has had under consideration the recommendation made by the Royal Commission on Decentralization at the end of paragraph 128 of their Report on the subject of framing rules for the recruitment of provincial services. The majority of the Commission consider it unnecessary that rules for the recruitment of those services should, as is now the case, require the sanction of the Government of India, and they express the opinion that the functions of that Government should be limited to laying down a few general principles as to eligibility for appointment, etc., on which detailed provincial rules would be based.

2. In the present Resolution the Governor-General in Council proposes to deal only with the provincial civil services (executive and judicial). The case of other provincial services will be separately considered.

3. The present system, under which the previous sanction of the Government of India is required to making or altering the rules for the recruitment of the provincial civil services, was introduced in 1892, as the result of the Report of the Public Service Commission. The Governor-General in Council has now decided to accept in substance the recommendation of the Decentralization Commission, and is pleased accordingly to invest local Governments with the power to make rules for the recruitment of the provincial civil services without the previous sanction of the Government of India, but subject to their general control. The general conditions which should govern such recruitment have been already fully considered in connection with the inquiries made by the Public Service Commission, and the Governor-General in Council, upon a further consideration of the subject, sees no reason to modify the conclusions then arrived at. It will, however, be convenient to re-state them in the present connection, as follows :—

- I. The rules must be adapted, on the one hand, to obtain thoroughly efficient candidates, and, on the other, to secure the due representation in the public service of the different classes of the community.
- II. Every candidate for appointment by recruitment must furnish satisfactory evidence—
  - (a) that he is not over 25 years of age, except in the case of Barristers, Advocates, or Pleaders appointed to the Judicial Branch; these excepted cases will be governed by Article 51 of the Civil Service Regulations;
  - (b) that he has attained a prescribed preliminary standard of general education to be fixed by local Governments with reference to local conditions, the object being to secure men qualified by as high a standard of general education as the conditions and requirements of the local administration permit. In particular, qualification in one or more of the vernacular languages of the province in which he is to be employed is to be insisted on. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility;
  - (c) that he is of sound health, good physique, and active habits; and
  - (d) that he is of good character.
- III. Every person appointed to the provincial civil service by direct recruitment shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the local Government declares such probation or training to be unnecessary.
- IV. The subjects of Native Princes in alliance with His Majesty shall be eligible for appointment, provided they are qualified in other respects.
- V. Admission to the provincial civil service should usually be confined to persons who are Natives of the province or have definitely settled in it. In the case of candidates who are not Natives of the province, recent residence of at least three years in the province should, as a general rule, be an essential condition of admission. No Barrister, Advocate, or Pleader should be appointed as such, unless he has been at least three years actually practising his profession in India and can speak the provincial vernacular.
- VI. Europeans who are not statutory Natives of India shall be eligible for appointment, if qualified according to the above conditions, with the sanction of the Government of India.
- VII. The local Government should reserve to itself the right to make promotion to the superior grades of the provincial civil service without regard to seniority, and seniority alone should not give a claim to appointment to the grade of Rs. 500 a month and higher grades.
- VIII. The Government of India retain power in very special cases to make direct appointments to offices in the higher grades of the provincial civil services, and whenever the Government of India exercise this power in the case of judicial officers, it will be confined to Barristers, Advocates, or Pleaders of the High Courts who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular.



## A.—Provincial Civil Service.]

IX. No member of the provincial civil service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

4. The Governor-General in Council directs that any change made in the rules from time to time should be forthwith communicated to the Government of India in the Home Department, in order that they may be in a position to exercise effective general control. His Excellency in Council considers it desirable, moreover, that this resolution should be published by the local Governments and Administrations as part of the respective provincial rules.

\* Madras.  
Bombay.  
Punjab.  
United Provinces.

Punjab.  
Burmah.  
Eastern Bengal and  
Assam.

† Foreign.  
Revenue and Agriculture.

Public Works.  
Commerce and Industry.

ORDER — Ordered that a copy of this Resolution be forwarded to the local Governments\* and Departments of the Government of India† noted on the margin and to the Honourable the Chief Commissioner of the Central Provinces for information.

A. EARLE,

*Offg. Secy. to the Govt. of India.*

## [A.—Provincial Civil Service.

## APPENDIX B.

NUMBER OF APPOINTMENTS IN EACH GRADE.															
Office.	Rate of pay in Rupees.	Bombay.				Bengal.	United Provinces.			Panjab.	Burma	Bihar and Orissa.	Central Provinces.	Assam.	Total.
		Madras.	Presi- dency prover.	Sind.	Total		Agra.	Oudh.	Total.						
<i>Executive Branch.</i>															
Deputy Collectors in Madras, Bengal, the United Provinces and Bihar and Orissa.	800	3	...	...	2	6	...	...	4	3	3	4	2	1	27
	700	6	...	...	3	7	...	...	6	4	5	5	3	1	40
	600	8	...	...	7	16	...	...	12	5	10	12	6	3	79
	500	29	...	...	23	48	...	...	35	12	36	36	14	10	243
	400	32	...	...	23	71	...	...	63	24	36	52	23	14	328
	300	29	...	...	24	73	...	...	65	25	35	54	24	16	334
Extra Assistant Commissioners in the Punjab, Burma, Central Provinces and Assam.	250	30	...	...	...	79	...	...	58	(a)40	...	59	14	16	296
	200	...	...	...	...	...	...	...	...	...	...	...	12	...	12
Total	...	187	...	...	82	259	...	...	223	118	125	222	98	50	1,369
Mamlatdars	250	...	29	...	29	...	...	...	...	...	...	...	...	...	29
	225	...	34	...	34	...	...	...	...	...	...	...	...	...	34
	200	...	39	...	39	...	...	...	...	...	...	...	...	...	39
	175	...	45	...	45	...	...	...	...	...	...	...	...	...	45
	150	...	50	...	50	...	...	...	...	...	...	...	...	...	50
Total	...	...	197	...	197	...	...	...	...	...	...	...	...	...	197
Total (Executive Branch)	...	187	...	...	279	269	...	...	223	118	125	222	98	60	1,566
<i>Judicial Branch.</i>															
Subordinate Judges (also called Judicial Extra Assistant Commissioners in the Punjab and District Judges in the Central Provinces in the grades of Rs. 500 and upwards).	1,000	...	...	...	...	6	...	...	...	...	...	2	...	...	8
	800	4	3	1	4	12	3	2	5	3	1	6	2	...	37
	700	...	...	...	...	...	...	...	...	4	1	...	3	...	8
	650	5	4	1	5	...	7	3	10	...	...	...	...	...	20
	600	...	...	...	...	24	...	...	...	5	2	12	5	...	48
	500	9	8	1	9	...	9	7	16	12	8	...	6	...	69
	400	...	...	...	...	...	...	...	...	12	8	...	17	...	37
	300	...	...	...	...	...	...	...	12	9	...	16	...	37	
Total	...	(d)18	15	3	18	(b)42	19	12	31	48	29	(b)20	48	(b)	254
Munsifs (also called Subordinate Judges, 2nd class, in Bombay).	500	...	...	...	...	12	...	...	...	...	...	...	...	...	12
	400	33	19	2	21	61	22	8	30	...	...	20	...	...	165
	300	33	22	4	26	70	24	8	32	...	...	19	...	...	180
	250	33	...	...	...	66	...	...	...	...	...	19	...	...	118
	200	29	36	5	41	36	22	10	32	...	...	10	...	...	148
	175	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	150	...	12	3	15	...	...	...	...	...	...	...	...	...	15
Total	...	(e)128	89	14	103	(b)245	68	26	94	(c)	(c)	(b)68	(c)	(b)	638
Total (Judicial Branch)	...	146	104	17	121	287	87	38	126	48	29	88	48	...	892
GRAND TOTAL	...	283	...	...	360	586	...	...	348	161	154	310	146	60	2,448

(a) This grade is common to both the Judicial and Executive Branches.

(b) The Subordinate Judges and Munsifs employed in Assam are included in the Bengal cadre, and both that cadre and the Bihar and Orissa cadre have been shown above in accordance with the scale proposed by the Calcutta High Court. This matter is under discussion in connection with the recent territorial changes.

(c) Munsifs in the Punjab and the Central Provinces, and Judicial Mynons in Burma belong to the Subordinate Judicial Service, and are paid at rates ranging from Rs. 150 to Rs. 250 a month.

(d) Includes four appointments which have been added since the last general reorganization in 1884.

(e) " three " " " " revision of the grades in August 1911.

## B.

## QUESTIONS RELATING TO THE INDIAN AND PROVINCIAL CIVIL SERVICES.

[Note.—In replies to these questions, it should be clearly specified whether the reply refers to the whole Provincial Civil Service, or to the Executive Branch or to the Judicial Branch.]

## INDIAN CIVIL SERVICE.

1. What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?

2. In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?

3. Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?

\* The term "Natives of India" has been defined in section 5 of the Government of India Act, 1870 (33 Vict., c. 3), as including any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India and not established there for temporary purposes only, and the term is so used throughout these questions.

4. Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons.

5. If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose.

6. In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?

7. What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?

8. If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for admission to the Indian Civil Service by means of (a) nomination, (b) combined nomination and examination, or (c) any other method? If so, describe fully what system you would recommend. In particular, do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?

9. If you are in favour of a system for the part recruitment of the Indian Civil Service by Natives of India in India, do you consider that "Natives of India" should still be eligible for appointment in England?

10. Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?

11. Do you recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service? If so, please describe the system which you would propose.

12. Are you satisfied with the present statutory definition of the term "Natives of India" in section 5 of the Government of India Act, 1870 (33 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter.

13. If the system of recruitment by open competitive examination in England is retained, state the age-limits that you recommend for candidates at such examination, giving your reasons.

14. What in your opinion is the most suitable age at which junior civilians recruited in England should commence their official duties in India?

15. What age-limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age-limits for Natives of India, and for other natural-born subjects of His Majesty?

16. What alterations, if any, do you recommend in the authorized syllabus of subjects and marks prescribed for the open competitive examination?

17. Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons.

18. Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons?

19. Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?

20. Do you accept as generally satisfactory in principle the present system under which Natives of India are recruited for posts in the Indian Civil Service cadre partly through the medium of an open competitive examination in England, and partly by special arrangement in India?

21. Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?

## [B.—Indian and Provincial Civil Services.

22. If the system of recruiting military officers in India for posts in the Indian Civil Service had been stopped or has never existed in your Province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent, in your opinion, should it be adopted?

23. Do you consider that such a system should be restricted to the recruitment of military officers, or extended to the recruitment of selected officers from other Indian services?

24. What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?

25. Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one quarter of the listed posts?

26. Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?

27. Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?

28. Please add such remarks as you may desire to offer on any points relating to the system of recruitment for Indian Civil Service posts which are not covered by your answers to the foregoing questions.

29. Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the Service?

30. If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?

31. Do you consider that any differentiation is necessary between the course of study for probationers who are Natives of India and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend.

32. Do you consider that the probationers' course of instruction could best be spent in England or in India? Is your answer equally applicable to the case of Natives of India and of other natural-born subjects of His Majesty?

33. Do you think it desirable to start, at some suitable place in India, a college for the training of probationers of the Indian Civil Service, and possibly of other Indian Services recruited in England?

34. Do you think it desirable that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?

35. Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?

36. Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?

37. Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial Branch.

38. Do you recommend any special course of study in law in India for officers selected for the Judicial Branch?

39. Do you recommend any special training in subordinate judicial posts in India for officers selected for the Judicial Branch? If so, please give details.

40. Is any differentiation desirable in a system of training after appointment in India between members of the Indian Civil Service who are Natives of India and other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend.

41. If you have recommended the introduction of any scheme of direct recruitment in India for Natives of India, whether in lieu of, or supplementary to, the system of recruitment in England, please state what system of probation and training you recommend for officers so recruited.

42. Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals.

43. Please add such remarks as you may desire to offer on any points relating to the probation and training of members of the Indian Civil Service which are not covered by your answers to the foregoing questions.

44. Do you consider that the numbers of officers authorized for the various grades of the Indian Civil Service are satisfactory? If not, please state your views.

45. Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?

46. If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the service who now draw no exchange compensation allowance?

47. Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the Service?

## [B.—Indian and Provincial Civil Services.

48. Have you any proposals to make in regard to the leave rules applicable to members of the Indian Civil Service?

49. Have you any proposals to make in regard to the leave rules applicable to Statutory Civilian and to members of the Provincial Civil Services holding listed posts? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?

50. Please add such other remarks as you may desire to offer on any point relating to the conditions of service, salary, leave, and pension in the Indian Civil Service.

## PROVINCIAL CIVIL SERVICE.

51. Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service and reproduced as Appendix A.\* Are these conditions suitable, or have you any recommendations to make for their alteration?

52. In particular, are the rules for the recruitment of the Provincial Civil Service in force in your Province suitable, or have you any recommendations to make for their alteration?

53. Do you consider that recruitment for a Provincial Civil Service should ordinarily be restricted to residents of the province to which it belongs?

54. Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?

55. Are you satisfied with the existing arrangements for the training and probation of officers appointed to the Provincial Civil Service? If not, please state your objections and what other arrangement you recommend?

56. Do you consider that the numbers of officers authorized for the various grades of your Provincial Civil Service are satisfactory? If not, please state your views.

57. To what extent are the functions of the officers of the Executive and Judicial Branches of your Provincial Civil Service differentiated? Is any change desirable, and, if so, in what direction?

58. Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?

59. Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?

60. Are the existing rates of pay and grading in the Provincial Civil Service of your Province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?

61. Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?

62. Have you any proposals to make with regard to the leave rules applicable to the Provincial Civil Service? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?

63. Are you satisfied with the present system of superannuation pensions for officers of the Provincial Civil Service? If not, please say what modifications you would suggest and on what grounds?

64. Are you satisfied with the existing organization of the Provincial Civil Service? If not, please state what alternative organization you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable.

65. Have you any other proposals to make in regard to the Provincial Civil Service not covered by your answers to the above questions? If so, please explain them.

\* Vide p. xxviii.

ROYAL COMMISSION ON THE PUBLIC SERVICES IN INDIA.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

ROYAL COMMISSION

ON THE

PUBLIC SERVICES IN INDIA.

At Patna.

Monday, 24th March 1913.

THIRTY-SEVENTH DAY.

PRESENT :

THE RIGHT HON. THE LORD ISLINGTON, K.C.M.G., D.S.O. (*Chairman*).

SIR MURRAY HAMMICK, K.C.S.I., C.I.E.

SIR THEODORE MORISON, K.C.I.E.

MAHADEV BHASKAR CHAUBAL, Esq., C.S.I.

ABDUR RAHIM, Esq.

WALTER CULLEY MADGE, Esq., C.I.E.

HERBERT ALBERT LAURENS FISHER, Esq.

And the following Assistant Commissioners :—

WALTER MAUDE, Esq., I.C.S., Member of the Board of Revenue.

KHAN BAHADUR ASHTAQ HUSSAIN, Deputy Magistrate and Deputy Collector.

NARENDRA KRISHNA DATTA, Esq., B.L., Officiating Additional District and Sessions Judge, Shahabad.

M. S. D. BUTLER, Esq., C.V.O., C.I.E. (*Joint Secretary*.)

HAVILLAND LEMESURIER, Esq., C.S.I., C.I.E., I.C.S. (*representing the Local Government*).

*Written answers relating to the Indian Civil Service.*

37934 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—Government accept the present system of open competition in England as generally satisfactory in principle.

37935 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—The system was not designed with a view to the requirements of "Natives of India." It was designed to find a rough and ready means of selection amongst candidates born and educated in the United Kingdom who were necessarily assumed in other respects to be equally suitable. As this system involves a period of study and of subsequent probation in England, it gives to "Natives of India" the

same conditions of training in a considerable measure as are enjoyed by other candidates, and it so far has worked well. But should altered conditions of the examinations or any other cause bring about a very large increase in the proportion of Indian candidates, or should the number of appointments now reserved for the Indian Civil Service which are thrown open to Indians other than those who pass the competitive examination in England be largely increased, the suitability of the system would have to be reconsidered with regard to the necessity for maintaining the essentially British character of the Service.

37936 (4). Further, is any differentiation desirable between other classes of natural-born subjects of His Majesty?—No differentiation appears to be necessary.

37937 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to

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[continued.]

the advantage of Indian interests? Please give your reasons?—The combination has undoubtedly in the past maintained a very high standard for the examination, and probably the Service has benefited by the fact that candidates who, if it were a separate examination, would not have appeared for the Indian Civil Service only, have accepted appointments when they failed to get into the Home service after passing the joint examination. A further advantage of the existing arrangement lies in its affording a useful test of the popularity of the Indian Service. Before the examinations were amalgamated, the Home and Colonial Services were very largely recruited from men who had failed for the Indian Civil Service, and it is believed that during the earlier years of the amalgamated examination the proportion of the candidates who passed sufficiently high to have a choice and selected the Indian in preference to the Home Service was larger than at present. The greater independence and responsibility attaching to the Indian Service are calculated to attract men to it; and, if they fail to do so, it may be assumed that some counteracting cause is at work which requires investigation. The smaller the British element in the service, the greater becomes the necessity for attracting to it the very best men.

37938 (6). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose. Do you recommend a system based on any of the following principles:—(a) Selection by head masters of schools approved or otherwise, (b) Selection by authorities in Universities approved or otherwise, (c) Nomination by head masters or University authorities and selection under the orders of the Secretary of State, (d) Combined nomination and examination, and (e) Any other method?—No change has been recommended, but, should one be made hereafter, it would preferably take the form of a combination of nomination and examination or other conditions requiring a high standard of general education; and in this connection the system adopted in the recruitment for the Civil Service of the Sudan appears to be worth examination. In any case it appears very desirable that some means should exist for weeding out socially unsuitable candidates.

37939 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—This Government are opposed to any system of simultaneous competitive examination. They support the views put forward by the Public Service Commission of 1886 in paragraph 60 of their report. It is of the utmost importance to maintain the essentially British character of the administration. India contains numerous religions, sects, and castes; and an Englishman who belongs to none of them is more likely to be impartial than an Indian who has not had an European education. Also he is more independent and is not amenable

to outside influences. Simultaneous examinations would not only reduce the number of men who would succeed in England, but this reduction would probably in its turn affect the number of competitors there and so lower the standard of Englishmen who get in. The Local Government attach very great importance to a searching *vivâ voce* examination in the different subjects, and it would be practically impossible to secure an equal standard of oral examination in England and India even if equally competent examiners were available in this country. As stated in the answer to question (42), Government attach great importance to an oral examination in the different subjects, and it would be practically impossible to obtain an equal standard of oral examination in India even if such an examination were possible. A system of competitive examination in India moreover would conceivably lead to a predominance of one or two races, not necessarily those most fitted for administrative work. Apart from these objections as regards their effect on the character of the Service, simultaneous examination would almost certainly result either in turning the Indian Universities into cramming establishments with a view to the Civil Service Examination, or to the abandonment by the most brilliant youths of the country of the University course of education in favour of study at private cramming establishments.

37940 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service Cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?—Government are not in favour of a system of recruitment of candidates in India by any method of a separate competitive examination. The system of recruitment by competitive examination is entirely unsuited to India, where the class of men who would succeed would ordinarily lack the previous training and traditions which are essential for a successful administrator. Strength of character, power of control, soundness of judgment, impartiality, energy, and reliability are far more valuable qualities than the merely intellectual ones which conduce to success in an examination.

37941 (10). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend. In particular, do you consider it desirable that whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?—If any addition is made by recruitment in India to the number of Indians in the Service it should be by nomination from

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[continued.]

amongst graduates in honours of the Indian Universities, who should be selected with reference to their character, social position, and the public services of their family, and should be subject to rigorous tests of health and physique. These candidates should be selected by a Central Board appointed by the Imperial Government, and on appointment should be sent to England for a course of probation of at least two years at a residential University where they should undergo a training similar to that which it is proposed to prescribe for the Indian Civil Service probationers, with such modifications as might be found necessary having regard to the nature of their previous studies in India. On the expiry of their period of probation these candidates should be appointed to the Indian Civil Service and be in every respect on the same terms as those appointed in England. It is most essential that in the selection of the approved candidates due representation should be given to the different classes and communities. The existing strength of the Civil Service as now recruited should not be reduced, but the system above indicated might be introduced to fill up all additions to the Service which may be necessary in future as explained in the replies to subsequent questions.

NOTE.—The Honourable the Maharaja Bahadur Sir Rameshwar Singh of Darbhanga has recorded the following dissent from the opinion of his colleagues:—

I would make the residence in England optional in the case of Indians who are unable, on account of financial and religious considerations, to proceed to England on a two years' probation. There is a very large number of His Majesty's Indian subjects who cannot afford the expenso of a training in England and whose religious ideas will prevent them from crossing the sea. At the same time they look forward to getting an opportunity of serving the Crown by the reason of their intellectual, social and physical fitness.

I feel sure that a practical training in India under competent supervision will qualify the selected candidate for the post almost as well as a training in England would do. Indian administration contains several examples of Indians who have proved themselves to be first-class judges and administrators, although they have never stepped beyond the Indian soil; so that it may be hoped that the experience of the past and present in this respect will not defeat the expectations of the future.

37942 (11). If you are in favour of a system for the part recruitment of the Indian Civil Service by "Natives of India" in India, do you consider that "Natives of India" should still be eligible for appointment in England, or would you restrict that right to other natural-born subjects of His Majesty?—Subject to what has been said in the answer to question (3), "Natives of India" should not be deprived of any of the rights which they now enjoy of competing for the Service at the open competition in England.

37943 (12). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the

Provincial Civil Service?—The system suggested in the answer to question (10) should be supplementary to the present system of promoting to listed posts officers of the Provincial Civil Service, but the number of such posts should not be increased.

37944 (13). Do you recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service? If so, please describe the system that you would propose?—This Government do not recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service. The preliminary training which an officer who selects the Judicial Branch receives under the present system is of the utmost value to him in the performance of his duties as a Judge. His tours and revenue and executive duties, especially if he is employed on Settlement work, give him a practical knowledge of the actual conditions of village life and the relations between landlord and tenant which it would be impossible for him otherwise to obtain and the want of which would be certain to result in frequent miscarriages of justice. Apart from the fact that a Judge without administrative training is at a great disadvantage in performing the executive and controlling duties attaching to his office, which are of the utmost importance, the want of such training is a very serious source of weakness to him in his judicial capacity.

37945 (14). Are you satisfied with the present definition of the term "Natives of India" in Section 6 of the Government of India Act, 1870 (33 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully any proposals that you wish to make in regard to this matter?—The definition seems to this Government to be suitable for the purpose for which it was drawn up, namely, to include all classes of residents in India who are in any way partially debarred by the existing conditions from appearing at the open competition for the Indian Civil Service in England. This Government are not in favour of discriminating between those who are of European and mixed European or pure Indian descent. For the above purpose the Native States should be regarded as forming a portion of His Majesty's Dominions in India.

37946 (15). If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—This Government consider that under the present system



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candidates arrive in India somewhat too late in life and also, as stated in the answer to question (44), that the period of probation should be two years instead of one. To this latter point they attach great importance. On the other hand the candidates should, if possible, have undergone a University training and taken a University degree. It is possible for a candidate to have obtained his degree at the age of 21 and, though this age would in most cases exclude those who have studied the full Oxford Honours course, the advantage of three years' study at the University would be assured in all cases by fixing the maximum age at 22. On a consideration of the relative advantages it is suggested that the age for the open competition should be from 20 to 22.

37947 (16). What is your experience of the relative merits of the candidates selected under varying age-limits, particularly under the systems in force from 1878 to 1891 (age-limits 17—19 years, followed by two or three years' probation at an approved University) and since 1891 (age-limits 21—23 or 22—24 years, followed by one year's probation)?—So far as Government are aware, there is no marked difference in the relative merits of the candidates selected under the two systems, though in view of statements which have been made on the subject it would be well to examine the question whether candidates selected when the lower age-limit was in force showed a greater tendency to break down during the earlier years of their service than those who have come in since 1891.

37948 (17). What is your opinion regarding the suitability of the recent recruits to the Indian Civil Service?—There has recently not been quite so large a proportion of candidates from the better known Public Schools and Universities, nor quite so many honours men. Still the standard of men recruited is on the whole suitable, and there is no sufficient evidence in the possession of this Government to show that there has been any general falling off in recent years.

37949 (18). What is the most suitable age at which junior civilians should arrive in India?—From 22 to 24.

37950 (19). What age-limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age-limits for "Natives of India," and for other natural-born subjects of His Majesty?—Government do not consider that any differentiation is desirable. The age recommended in the answer to question (15) is quite suitable for Indian candidates at the competitive examination. It is believed that from the point of view of the candidates themselves the lower the age-limit the better the chances of Natives of India would be. They develop more quickly and are probably more diligent during their school-going age. Later on the position is to a great extent reversed. From the point of view of

the Service it is essential that the Natives of India who are admitted should possess the staying power in which the prematurely ripened Indian youth is too often wanting in after-life.

37951 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well-educated young man of the period?—This Government fully accept the views and principles laid down by Lord Macaulay's Committee. In particular they strongly deprecate any attempt to recruit specialists whether for the judicial or other branches of the Service. There should be no specialisation previous to selection.

37952 (22). Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates? If so, please state them and give reasons?—No.

37953 (23). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons? Please state in detail what alterations (if any) you recommend in the Schedule of the Indian Civil Service Act of 1861 (24 & 25 Vict., c. 54). [Attention is invited to the provisions of the Indian Civil Service Act, 1861 (24 & 25 Vict., c. 54) and of the Government of India Act, 1870 (33 Vict., c. 3), reproduced as Appendices II and III to these questions.]?—This Government consider that so long as the administration of the country is conducted by the Indian Civil Service, in whatever manner recruited, it is desirable to specify what are the appointments which it is to fill. Government are not in favour of any alteration in the Schedule to the Indian Civil Service Act of 1861. When it is necessary that such appointments should be held by persons other than members of the Indian Civil Service, the Acts of 1861 and 1870 provide means by which this can be done.

37951 (24). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service Cadre do you consider that "Natives of India" might, under present conditions, properly be admitted?—So long as the present system of recruitment by open competition in England is maintained intact, there appears to be no necessity for fixing a minimum proportion of Europeans.

37955 (25). Do you accept as generally satisfactory in principle the present system under

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which "Natives of India" are recruited partly through the medium of an open competitive examination in England, and partly by special arrangement in India, in accordance either with rules framed under the provisions of section 6 of the Government of India Act, 1870 (33 Vict., c. 3), or with the provisions of the Indian Civil Service Act, 1861 (24 & 25 Vict., c. 54)? Do you recommend any alterations in this system, and, if so, what?—The system is generally satisfactory in principle. The manner in which "Natives of India" should be recruited has already been discussed.

37956 (26). Give a list of the "Natives of India" now serving in your province who were recruited to the Indian Civil Service by means of open competition in England, stating in what year they were admitted, in which posts they are now serving, and their present rate of salary?—Including the Honourable Mr. Basanta Kumar Mullick, who has recently been appointed to act as a Judge of the High Court, the following are the "Natives of India" now serving in the province of Bihar and Orissa, who are members of the Indian Civil Service:—

No.	Name.	Year in which admitted to the Indian Civil Service.	Present post.			Present salary.
			Substantive appointment.	Officiating appointment.	Station.	
1	The Honourable Mr. Basanta Kumar Mullick.	1889 . .	Superintendent and Remembrancer of Legal Affairs.	Temporary Judge, High Court.	Calcutta .	Rs. 4,000
2	Mr. Birendra Chandra Sen.	1893 . .	Magistrate and Collector, 2nd grade.	Magistrate and Collector, 1st grade.	Chaibasa (Singbhum).	Pay . . . . 1,800 Acting allowance . 450 Total . . . 2,250
3	Mr. Manmatha Krishna Deb.	1899 . .	Joint Magistrate and Deputy Collector, 1st grade.	.....	Monghyr .	Pay . . . . 900
4	Mr. Sankara Balaji Dhavle.	1906 . .	Under-Secretary to Government (substantive <i>pro tempore</i> ).	... ..	Ranchi .	Pay . . . . 1,000

37957 (28). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—In so far as the system of direct nomination outlined in the answer to question (10) resembles the appointment of Statutory Civilians, the answer is yes, but the old system did not provide for the necessary qualifications or training, nor was the method of selection satisfactory.

37958 (29). What experience have you had of military or other officers who have been specially recruited in India to fill Indian Civil Service posts, and how many such officers are employed in your province? Please distinguish in your reply between (a) military officers, and (b) others; and give details of the latter?—There are no such officers in this province. The Lieutenant-Governor's personal experience of military officers in the Political Department in which he served for many years is in their favour, provided that they are very carefully selected. As a rule, however, he would not recruit from this source for regulation provinces in British India.

37959 (31). If the system of recruiting military officers in India has been stopped, or has never existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent should it be adopted?—Government is not prepared to recommend the re-introduction of this system.

37960 (33). Please now refer to the rules, dated 26th August 1910, made in exercise of the powers conferred by section 6 of the Government of India Act, 1870 (33 Vict., c. 3), and reproduced as Appendix IV, and to the statement in Appendix V to these questions, showing the number of offices, places, and appointments, commonly known as listed posts, ordinarily held by members of the Indian Civil Service, to fill which it has been declared that members of the Provincial Civil Service can properly be appointed; and say whether the figures given are correct for your province?—The statement is correct.

37961 (34). Are all the posts thus listed ordinarily and regularly filled by "Natives of India"? If not, please state for the last five

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years to what extent there has been any failure to work up to the authorized list, and explain the reasons?—The figures for this province are

only available since its creation on the 1st April 1912. Since then the holders of the listed posts have been:—

Name.		Substantive appointment.	Officiating or temporary appointment.	Date.	
				From	To
Judicial.					
Provincial	Mr. Tej Chandra Mukharji.	District and Sessions Judge.	.....	April 1st, 1912.	July 31st, 1912. (Retired.)
	Mr. Ram Lal Datta	Ditto	... ..	Ditto	Still a Judge.
	Mr. Narendra Krishna Datta.	...	Officiating District and Sessions Judge.	September 3rd, 1912. December 2nd, 1912.	November 22nd, 1912. Still acting as a Judge.
Executive.					
Statutory	Mr. Ahsan-ud-din Ahmad, I.S.O.	Commissioner of Excise.	.....	April 1st, 1912.	Still holds the post.
Provincial	Pandit Ramaballabh Misra.	...	Substantive <i>pro tempore</i> Magistrate and Collector, 3rd grade.	April 1st, 1912.	Ditto.
	Babu Manomohan Ray	...	Officiating Magistrate and Collector.	April 18th, 1912.	April 26th, 1912. Has again been appointed to officiate.
	Babu Banka Bihari Singh	...	Ditto	May 24th, 1912.	June 23rd, 1912.
	Babu Nagendra Nath Gupta.	...	Ditto	July 18th, 1912.	July 31st, 1912.
	Babu Sarat Chandra Chatterji.	...	Ditto	August 28th, 1912	September 16th, 1912.
	Babu Giridra Chandra Banarji.	...	Ditto	September 25th, 1912.	October 14th, 1912.
	Babu Jogendra Nath Sarkar.	...	Ditto	October 10th, 1912.	Ditto.
	Babu Bhajendra Nath Ray	...	Ditto	October 11th, 1912.	Ditto.
Secretariat.					
Non-Provincial.	Mr. G. F. Smith, a statutory Native of India.	...	Officiating Under-Secretary to Government, Financial and Municipal Departments.	July 27th, 1912.	October 18th, 1912.

In addition to the above the Deputy Commissionership of Angul and the Khondmals, which is practically a district charge and should be recognized as such, was held from April 1st by a member of the Provincial Service, Mr. James Taylor, who is a statutory Native of India. Excluding this appointment, at the present moment two posts of Judge and two of Collector are held by members of the Provincial Service, as against the five posts listed as open to them. It is hoped to make another appointment almost immediately. In this province it is very difficult to find districts which can be placed in charge of officers of the Provincial Service. In most of the Bihar Districts there is a large number of Europeans, and in Chota Nagpur the aboriginal element

predominates. A further difficulty is that the Provincial Services are manned mainly by Indians who are not natives of this province.

37962 (35). To what extent also during the last five years have these listed posts been filled—(a) by members of the Provincial Civil Service; (b) by other "Natives of India"? Please give the names and positions of the latter, if any?—No Natives of India, other than members of the Provincial Civil Service, have held listed posts in this province.

37963 (36). Has the power to fill one-quarter of the listed posts with "Natives of India," other than members of the Provincial Civil Service or Statutory Civilians been ordinarily and regularly exercised? If not, can you give the reasons for this, and do you think it

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advisable that the power should be utilized and in what directions?—This power has not yet been exercised since the creation of the province. The existing number of listed posts should be kept as rewards for the Provincial Civil Service. Any further local appointments of Natives of India should be made in the manner indicated in the answer to question (10).

37964 (37). Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess?—The merging of the inferior “listed” posts in the ranks of the Provincial Service is unpopular with some members of that Service, who consider that since they exercise most of the powers and responsibilities of a Joint Magistrate they should have the same title, and with the public who are interested in these questions, who regard the arrangement as having deprived the officers appointed in India of prize appointments. This however is due to a misunderstanding. The result of the amalgamation was to improve the prospects of the Provincial Service by increasing the number of appointments in the higher grades. The decision to drop the name of “Joint” or “Assistant” Magistrate was based on the desire to avoid complicating the cadre, but this Government would have no objection to the officer in charge of criminal work at headquarters being designated Joint Magistrate irrespective of the service to which he belongs.

37965 (38). Is the class of posts listed suitable? If not, in what directions would you suggest any changes and why?—Yes; no change appears to be necessary.

37966 (42). Please add such remarks as you may desire to offer on any points relating to the system of recruitment for Indian Civil Service posts which are not covered by your answers to the foregoing questions?—If it is the fact that oral examination has been abandoned in the open competition, Government would recommend that it be restored, as a skilled *viva voce* examiner readily distinguishes smattering from real knowledge.

37967 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—The system is satisfactory, but the course of probation should be extended to two years. It is very desirable that the course should make provision for training in the principles of law and jurisprudence, for attendance in the Courts and reporting cases, and for a thorough grounding in one or, if possible, two Indian languages.

37968 (44). What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification

of that system recommended by you?—The period of probation should be extended to two years and the course of instruction should be the same as it was prior to 1891. Officers appointed by direct nomination in India should also pass two years at an approved University in England and undergo a similar course of training.

37969 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?—Yes.

37970 (46). If so, do you advise the selection of one or more Universities for this purpose and for what reasons?—The University should be a residential one unless the candidate has previously completed the full period of study for a degree at one of the residential English Universities. In this case he might be permitted to follow the course of study at London or any other University which, though non-residential, provides the necessary curriculum.

37971 (47). Do you consider that probationers should receive allowances during their period of probation? If so, please give the scale and conditions that you recommend?—Yes. The allowance should be £200 per annum and the selected candidates should receive a first-class passage to India.

37972 (49). Would it, in your opinion, be desirable to establish a separate institution in England for this purpose, and, if so, under what conditions?—Government are entirely opposed to the establishment of a separate institution in England.

37973 (50). If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in 1854, that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University course?—The principle is sound and should be applied in all cases.

37974 (51). Please examine the statement printed as Appendix VI to these questions, showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you?—The course of studies prescribed up to 1891 is considered to have given a very fair preliminary training. The general principles of revenue and tenancy law should be added if possible. It is also highly desirable to encourage all selected candidates to read for the Bar. Government should pay their entrance and calling fees.

37975 (52). In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at

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Law Courts in England and reporting of cases; (ii) the teaching of Indian law in addition to the general principles of jurisprudence; (iii) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of (a) Indian Geography, (b) Political Economy, (c) Accounts?—(i) Government attach the greatest importance to attendance in the Law Courts in England and to reporting of cases. This would be particularly advantageous to candidates selected in India. (ii) The teaching of Indian law in its general principles is essential. (iii) It has hitherto been found practically impossible for young civilians after arrival in India to secure suitable tutors for the study of the grammar and composition of Indian languages, and it is therefore essential that these should be properly taught in England. In the stations to which the candidates are appointed on first arrival in India it is very seldom indeed that a qualified teacher of an Indian language is available, and in any case the ground-work of even an Oriental language is better imparted by an European than an Oriental teacher. With this ground-work a young Civilian is well qualified to pick up a colloquial knowledge of the language after his arrival. (iv) The subjects in question may be studied with advantage with the exception of accounts, which is a purely technical subject and may be best learnt by actual work in a Treasury.

37976 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—The probationer's course of instruction should certainly be spent in England.

37977 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?—As stated in the answer to the last question, all probationers for the Indian Civil Service should undergo a course of two years' training in England. As regards their training in India, Government greatly prefer the present system of training officers in districts under selected Collectors to that in a central institution.

37978 (55). What is your opinion of a proposal that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—The answer to question (54) applies here also.

37979 (56). In the report of the Treasury Committee appointed to consider the organisation of Oriental studies in London (1909) the view is taken that the preliminary training in Oriental languages and in law required by probationers can be given better in England than in India, because of the difficulties which junior-civilians would experience in learning these subjects in India, the lack of good

teachers in Indian district headquarters, the difficulty of even good Indian teachers appreciating the European student's point of view, and the difficulty of arduous study in a tropical climate. Do you consider that these objections could be met by a suitable scheme of instruction in India?—It will be seen from the previous answers that this Government are in agreement with the report of the Treasury Committee of 1909. As stated in the answer to question (52), it would be difficult and expensive to obtain qualified teachers in the various subjects, and attendance in the Indian Law Courts would not serve the same purpose as attendance at such Courts in England.

37980 (57). If you have recommended the introduction of any scheme of direct recruitment in India for "Natives of India," whether in lieu of, or supplementary to, the system of recruitment in England, please state what system of probation you recommend for such officers?—The period of probation should be spent in all cases at a residential University in England.

37981 (59). Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course prescribed for other natural-born subjects of His Majesty. If so, please state the special arrangements that you recommend?—No differentiation is necessary, but Indians should be required to pass in some suitable vernacular other than their own.

37982 (60). Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—A junior Civilian on arrival in India is at once posted to a suitable district under the charge of a Collector carefully selected for the purpose. The latter receives instructions to give him a thorough training in all the departments with which the Collector is himself concerned. At headquarters, besides trying elementary criminal cases, he is by degrees put in subordinate charge of the various offices, and trained in Treasury work. When taken into camp, he is shown how to employ himself usefully while on tour and required to visit in the company of the Collector various public institutions, such as registration offices, schools, pounds, dispensaries, and police stations. Above all, great stress is laid on the importance of teaching him proper behaviour towards Indians of all classes, and the customary modes of address to Indian gentlemen. At the end of his first year in the country the junior Civilian undergoes a course of training in Settlement work in the field; and soon after, if pronounced fit, receives charge of a sub-division. Subject to the remarks made elsewhere about the training of officers for judicial work, the present arrangements appear to be suitable.

37983 (61). Is the existing system of departmental examinations suitable, and, if not,

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what change do you recommend?—The rules have been carefully revised and recast since the formation of this province, and it is believed the present arrangements will work satisfactorily. A copy of the new rules\* is being separately submitted. It will be noted that in addition to the papers in law, owing to the absence of any system of reporting cases in England, young officers are required to prepare a full, complete and careful record of six cases tried by a first-class Magistrate and six defended cases tried by a Sessions Judge.

37984 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—It cannot be denied that in the Service as a whole the knowledge of the Indian languages possessed by its members is less than it used to be; but this general statement does not apply to officers in sub-divisions and on Settlement duty or other work which brings them into daily contact with the people. As a matter of fact, so long as an officer is employed in the management of a sub-division or on Settlement duty he is probably as well acquainted with the colloquial vernacular as his predecessors were. It is as he advances in service that his knowledge of the vernacular becomes less fluent and ready, and it is doubtful whether in this respect any difference has taken place within recent years, *i.e.*, since the general introduction of the English language into office procedure. The causes which militate against officers keeping up the knowledge of the vernacular which they possessed in their early years are as follows:—All office work is carried out in English, and the vernacular register and the Hindi or Uriya-speaking clerk are things of the past. The educated classes with whom officials are most brought into contact prefer to speak in English. Tours in the mufassal when officers have opportunity to converse with the agricultural classes are intermittent, while excessive work leaves little time for study. In Bengal the existence of three distinct vernaculars in different parts of the province accentuated these difficulties and they will be somewhat less acute in Bihar and Orissa. Other reasons are that officers arrive in India older than before and with less grounding in the languages; they take more leave than formerly and settle down less; and they are more frequently transferred from district to district. In order to improve their knowledge of the language, the departmental examinations have been altered so as to include the study of simple vernacular books, and revised rules have been recently proposed by the Government of India instituting a Proficiency examination to bridge the gap between this test and that of the High Proficiency, increasing the rewards for the High Proficiency

examination and the Degree of Honour, and providing for the grant of study leave to prepare for them.

37985 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch. In particular, do you favour a system of granting study leave to Europe, and, if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?—Government recommended the following course of training:—(a) During the two years' probation in England all candidates should study the law course prescribed before 1891. They should attend the law Courts and report cases and be encouraged to read for the Bar, to keep their terms and to pass all the examinations for a call. Those who are actually called to the Bar before coming out to India should receive their call fees from Government. (b) On coming out to India all officers should be employed in the general line for about 4 years, during which period they should undergo a training in survey and settlement and should hold charge of one or more sub-divisions. (c) After the fourth and before the end of the sixth year a choice should be made between the executive and judicial line, and those selected for the latter branch should be vested with the powers of a Munsif in addition to their other duties. After trying original suits for a year or two they should be promoted to be Assistant Civil and Sessions Judge and try original suits and simple appeals from Munsifs as well as such criminal work as the District Judge assigns to them. By the time an officer has qualified for his first furlough, that is after 8 years' service, he should proceed to England on furlough, one year being counted as study leave to be spent with a selected Barrister in Chambers. (d) During this period an allowance of £200 in addition to furlough pay should be given to the candidate conditionally on his being called to the Bar (if he has not already been called) and obtaining a satisfactory certificate from the Barrister with whom he has read. Government should also pay the Barrister's fees and the call fee in cases where the candidate has not been called already.

37986 (66). Do you recommend any special training in subordinate judicial posts for officers selected for the Judicial branch? If so, please give details?—Yes, see answer (64).

37987 (67). Do you recommend any system for encouraging the higher study of law analogous to the rules for the encouragement of the study of Oriental languages?—No. The arrangements proposed elsewhere for the training of judicial officers are sufficient.

37988 (68). Is any differentiation desirable in the system of training after appointment in India between members of the Indian Civil Service who are "Natives of India" and other

\* Vide Appendix I.

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natural-born subjects of His Majesty?—No differentiation is thought necessary.

37989 (72). The present theory underlying the conditions of service in the Indian Civil Service is that—(a) the members of the Service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones; and (b) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties. To secure these objects the number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 per mensem, is ascertained, and it is endeavoured to recruit only sufficient officers to make it probable that each officer will find himself officiating with practical permanency in at least the lowest of those appointments after the completion of eight years' service. Do you accept this system? If so, do you consider that the period of eight years is suitable, or do you recommend any change? What alteration (if any) would be necessary if the age of recruitment were lowered?—This Government accept the system and consider that the period of

eight years is suitable. No alteration would be necessary if the age of recruitment were lowered.

37990 (73). It is also part of the existing system that officers of over two but under eight years' completed service should fill with practical permanency in the ordinary course of promotion charges of minor responsibility, called technically "inferior posts," and should be drawing pay at rates above that of the lowest grade, but not exceeding Rs. 1,000 per mensem. Do you accept this as a suitable arrangement? If not, what alteration would you suggest, and for what reasons?—The arrangement is suitable.

37991 (74). Please show in a tabular statement for the last five years, quarter by quarter, with footnotes, giving the names, the total nett number of officers who have failed to obtain promotion in accordance with the principles set out in the preceding questions, and say whether any inconvenience, and, if so, what, has been caused thereby to the Administration?—Exclusive of officers on leave and on foreign service, the statement for this province is as follows:—

*Superior Posts.*

	Number of officers of 8 years' service and over not holding superior appointments.	Number of officers of less than 8 years' service holding superior appointments.	Nett number of officers not holding superior appointments.	REMARKS.
1	2	3	4	5
As on 1st January 1913 . . .	8	...	8	
As on 1st October 1912 . . .	2	4	...	An excess of two.
As on 1st July 1912 . . .	4	4(a)	...	(a) Excluding Mr. M. G. Hallet who was acting as Junior Secretary to Board of Revenue in Bengal.
As on 1st April 1912 . . .	4	2(a)	2	
1st January 1913	1st October 1912.	1st July 1912.	1st April 1912.	
1. Mr. M. K. Deb (1899) . . .	1. Mr. M. K. Deb (1899)	1. Mr. M. K. Deb (1899) .	1. Mr. M. K. Deb (1899).	
2. Mr. G. Milne (1901) . . .	2. Mr. G. Milne (1901)	2. Mr. G. Milne (1901) .	2. Mr. P. W. Murphy (1900).	
3. Mr. F. M. Luce (1901) . . .	.....	3. Mr. A. H. Ley* (1903)	3. Mr. A. H. Ley* (1903).	
4. Mr. J. A. Hubback (1902) . . .	.....	4. Mr. A. W. Barnicott (1903).	4. Mr. A. W. Barnicott (1903).	
5. *Mr. H. K. Briscoe (1903) . . .	.....	.....	.....	
6. Mr. J. F. W. James (1903) . . .	.....	.....	.....	
7. Mr. B. A. Collins (1904) . . .	.....	.....	.....	
8. Mr. A. E. Seroope (1904) . . .	.....	.....	.....	

\* Serving under the Government of India. As Under-Secretary Mr. Ley drew Rs. 1,300.

As regards inferior posts it is perhaps sufficient to say that practically all officers who have completed two years' service have officiated continuously in inferior appointments. The state of the cadre is thus very nearly normal and no inconvenience has been caused to the administration. The figures for January 1st, however, are not satisfactory. As will be seen from the statement given in answer to

question (84), the actual distribution of officers throughout the cadre is about normal, and officers with eight years' service should not have reverted from superior posts if the statistics on which the theory of recruitment is based were correct. The explanation may probably be found in the table appended to answer (106), which shows that more senior men are on duty during the cold weather than was the

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case formerly, so that even if the state of the cadre is quite normal, promotion must fall short of the previous expectation

37992 (75). Please now see the statement marked AA and the list marked—*Bihar and Orissa*—G, which have been reproduced in Appendix VII to these questions, and say whether they are correct for your province. If not, please state what amendments are necessary?—The statement AA is correct for this province. With reference to list G, the following comments are necessary:—(i) There are three posts of Under-Secretary *inclusive* of the one listed post, or two *exclusive* of that appointment. The statement as it stands is incorrect in this respect. (ii) The posts of Joint Magistrate and Deputy Collector actually sanctioned as a permanent are 19, *viz.*, 10 in the first grade and 9 in the second. Owing to the addition of a post of Member of the Board of Revenue to the cadre since April 1st, the proper number of appointments is that shown in the statement, but specific sanction to the increase of one permanent appointment in the second grade has not yet been received.

37993 (76). Is any difficulty experienced by the Administration in working with the number of superior posts shown in the list for your province? Do all the posts entered as superior carry a salary of more than Rs. 1,000 *per mensem*, and are they all such as are ordinarily held by officers in the Indian Civil Service? If not, what changes, if any, do you suggest?—(i) Subject to the answer given to question (80) no special difficulty has been experienced in working with the sanctioned number of superior posts. New posts are created from time to time as necessity arises, and two such cases are now awaiting the orders of the Government of India. (ii) The existing superior posts all carry a salary of more than Rs. 1,000 *per mensem*.

37994 (77). Does the number of superior posts shown as held directly under the Government of India correspond with the actual experience of the last five years? If not, please give particulars of the discrepancies, and say whether you consider any change of practice in this respect to be desirable. Attention is invited in this connexion to List J in Appendix VII to these questions?—The number of superior posts held directly under the Government of India by officers whose names are borne on the cadre of Bihar and Orissa is six, *viz.*—

1. The Honourable Sir R. W. Carlyle, K.C.S.I., C.I.E. Executive Council of the Governor-General.
2. The Honourable Sir E. G. Colvin, K.C.S.I. Agent to the Governor-General in Rajputana and Chief Commissioner of Ajmer-Merwara
3. The Honourable Sir W. H. H. Vincent, Kt Secretary to the Government of India in the Legislative Department
4. Mr. C. A. Bell Political Officer in Sikkim

5. Mr E H Kealy Political Agent, 3rd class

6. Mr A H Ley Under Secretary to the Government of India in the Department of Commerce and Industry.

7. Mr H F. Landsay

All these appointments have been held continuously since the creation of this Province.

37995 (78). Does the number of superior posts allowed for temporary appointments and deputations correspond with the actual experience of (say) the last five years? If not, please give particulars of the discrepancies and say whether you consider any change of practice in this respect to be desirable?—At the rate of 4 per cent. on the sanctioned posts, 2 is the number of superior posts allowed for deputation and temporary appointments in Bihar and Orissa—*vide* answer to question (73). The actual number of officers on deputation or holding temporary appointments that may be classed as superior is as follows:—

On 1st April 1912	On 1st July 1912	On 1st October 1912	On 1st January 1913.
Mr R Nathan	Mr R Nathan	Mr R Nathan	Mr R Nathan
Mr D Weston	Mr D. Weston	Mr R L Datta	Mr R L. Datta *
Mr C H Reid	Mr C H Reid		Mr N K Datta *
Mr R. L. Datta	Mr R L Datta		Mr J. A. Hub-back

\* Member of the Provincial Civil Service holding a listed post

The average number of officers so employed was therefore 3.5, but the circumstances so far have been somewhat exceptional. Mr. Nathan was on deputation in Bengal and not in this Province. The Lieutenant-Governor in Council considers an allowance of 2 sufficient.

37996 (79). Does the arrangement by which officers, recruited against temporary superior posts, are shown in the lowest grade, work satisfactorily? If not, what change of practice appears to you to be necessary?—The arrangement is satisfactory.

37997 (80). Does the allowance of 39 per cent. on the number of superior posts give the right number of junior officers for the work of the administration of your province? If not, please state what excess or deficiency in your opinion exists, giving your reason in detail?—The number of inferior appointments is fixed solely on actuarial grounds and without reference to administrative needs. Even in the old province of Bengal difficulty was always experienced in working with the number of posts of Joint Magistrate thus determined; and in order to obtain a larger number of officers for the inferior posts without detriment to the prospects of the Service, a proposal was made in 1907 that a grade of Joint Magistrates on Rs. 1,200 *per mensem* should be created. This was negatived, but a number of posts of Joint Magistrate above the recognised actuarial proportion was sanctioned as a temporary expedient. The difficulties felt in Bengal are even



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more acute here. Most of the stations to which it was said in 1907 that it was essential to post members of the Indian Civil Service are in districts which are now included in this province, while the number of officers available to fill them is proportionately smaller. Nevertheless on the creation of the province orders were issued that the excess inferior appointments were to be absorbed. The Local Government have accepted the orders for the time being, but have reserved the right to reopen the question should experience prove it to be necessary.

37998 (81). Junior officers are considered to be under training during the first two years of their service. Does this approximate to the actual conditions? If not, what alteration is

necessary in the percentage of 15·5 allowed for training?—Junior Civilians after completing their settlement training are generally posted to sub-divisions after about 18 months' service; but, on the whole, no alteration in the present percentage is necessary.

37999 (82). Does the leave allowance of 32·7 per cent. for superior posts, 6·7 per cent. for inferior posts and 6 per cent. for training posts approximate to the actual conditions? If not, please state what alteration is desirable?—The statement given below shows the number of officers of each class who should have been absent on leave in Bihar and Orissa at the beginning of each quarter of the last twelve months according to these calculations, and the number who were actually absent:—

STANDING OF OFFICER.	NUMBER ON LEAVE.							
	1st April 1912.		1st July 1912.		1st October 1912.		1st January 1913.	
	Normal.	Actual.	Normal.	Actual.	Normal.	Actual.	Normal.	Actual.
1	2	3	4	5	6	7	8	9
Over 8 years' service . . . .	17·0	7	17·9	11	18·8	16	18·3	7
Over 2 years' and up to 8 years' service.	3·6	1	3·6	5	3·7	6	3·7	3
Less than 2 years' service . .	·3	<i>Nil</i>	·3	<i>Nil</i>	·3	<i>Nil</i>	·3	<i>Nil</i>
TOTAL .	21·8	8	21·8	16	22·3	22	22·3	10

The year 1912 was abnormal, because many officers serving in Bihar and Orissa refrained from taking leave while the distribution of the cadre between the two provinces was under consideration. An examination of the statistics for 1911 in old Bengal shows that conditions in that year were more or less normal. Under Article 309 of the Civil Service Regulations there is a limit of 20 per cent. to the number of members of the Service who may be absent on furlough at one time except on medical certificate or urgent private affairs, and it is a matter of common experience that furlough up to this maximum usually has to be granted, at any rate during the hot weather months. Absences on privilege leave only during the hot weather are also common and the number of officers absent from duty during part, at any rate, of this season, will usually exceed the normal proportion. As a rule, however, privilege leave is not taken during the cold weather and the number of officers absent on furlough is less than formerly. Hence the total average number is fairly well maintained. The distribution of absentees over the Service is, however, probably not quite the same as formerly, partly owing to the practice which has recently sprung up of officers with less than eight years' service proceeding to England on three months' leave on urgent private affairs combined with a similar period of privilege

leave, and partly because senior men are less able to afford to take prolonged leave on the present furlough allowances.

38000 (84). Does the theoretical strength of the Service correspond ordinarily with its actual strength? If not, please state the facts and, in particular, offer any remarks which may suggest themselves with regard to the existing discrepancy shown in the statement marked BB which is included in Appendix VII to these questions?—The actual strength of the Service on October 1st, 1912 (which has been taken as a convenient date) was 108 against a sanctioned strength of 109. The subjoined statement worked out on the basis of Mr. O. T. Barrow's standard tables shows the actual as compared with the normal distribution of officers in the Service:—

YEAR OF SERVICE.	NUMBER OF MEN IN SERVICE.			
	Normal.		Actual on October 1st, 1912.	
	Yearly number.	Progressive.	Yearly number.	Progressive.
Above 35 =	·3	...	...	...
35 =	·6	·9	2	2
34 =	·7	1·6	1	3
33 =	·0	2·5	...	8

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YEAR OF SERVICE.	NUMBER OF MEN IN SERVICE.			
	Normal		Actual on October 1st, 1912.	
	Yearly number.	Progressive.	Yearly number.	Progressive.
33 =	1'0	3'5	1	4
31 =	1'2	4'7	...	4
30 =	1'4	5'1	1	5
29 =	1'6	7'7	1	6
28 =	2'0	3'7	4	10
27 =	2'3	12'0	...	10
26 =	2'7	13'7	2	12
25 =	3'0	17'7	4	16
24 =	3'0	20'7	2	18
23 =	3'1	23'8	2	20
22 =	3'2	27'0	1	24
21 =	3'3	30'2	2	26
20 =	3'3	33'6	...	26
19 =	3'4	37'0	5	31
18 =	3'5	40'5	3	34
17 =	3'5	44'0	7	41
16 =	3'7	47'7	5	46
15 =	3'7	51'1	5	51
14 =	3'7	55'1	3	51
13 =	3'8	58'9	5	59
12 =	3'9	62'3	4	63
11 =	3'9	66'7	3	65
10 =	4'0	70'3	2	69
9 =	4'0	74'1	4	72
8 =	4'1	78'5	3	75
7 =	4'1	82'6	3	78
6 =	4'3	86'9	4	82
5 =	4'3	91'2	6	88
4 =	4'4	95'5	4	92
3 =	4'4	100'0	5	98
2 =	4'5	104'5	5	102
1 =	4'5	109'0	6	103

It will be seen that the actual distribution is as nearly normal as it is ever likely to be in any service.

38001 (85). Do you consider that the present system of a quinquennial examination of the conditions of service is adequate to regulate the rate of recruitment and flow of promotion? If not, what alterations do you recommend?—A quinquennial examination is sufficient.

38002 (86). State the principles on which the annual indent for recruitment to the Indian Civil Service is regulated. Do you consider that accurate results are attained thereby? If not, what alterations do you recommend?—In preparing the annual indent of Indian Civilian to be recruited for Bihar and Orissa in any one year, the actual strength of the cadre on the 1st July of the preceding year is taken.

As the recruits will not arrive in India till late in the next year, there will be an interval of at least two years between the 1st July of the preceding year and the date of their arrival. By that time the cadre as it stood on July the 1st of the preceding year will theoretically have been depleted by two years' decrement, i.e., by 8·34 per cent. This figure is deducted from the actual strength as it stood on July the 1st of that year, and the number of recruits who arrived at the end of the preceding year and are due to arrive in the present year are added. The net result is the number of officers who it is anticipated will be in the Service on the 1st July of the succeeding year; and this when compared with the sanctioned strength gives the anticipated excess or deficiency in the cadre on that date. The number of recruits required is then calculated by adding to or subtracting from the number required to make good the authorised rate of decrement 30 per cent. of the anticipated deficiency or excess in the sanctioned cadre on July the 1st of the succeeding year. The system is satisfactory, and no alteration is suggested.

38003 (87). Are you satisfied that under the existing system of promotion, the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—This Government are in favour of the proposals contained in the report submitted by the Government of Bengal in connection with the report of the Royal Commission on Decentralisation. The Lieutenant-Governor in Council considers it of great importance that the Secretary of State should declare his intention of giving pensions on a fixed scale to officers who are compulsorily retired on the ground of unfitness for the post of District Magistrate or District and Sessions Judge.

38004 (88). To what extent are the functions of the Officers of the Executive and Judicial Branches of the Indian Civil Service differentiated? Is any change desirable, and, if so, in what directions?—The functions of the Executive and Judicial branches of the Indian Civil Service are differentiated entirely in the case of District and Sessions Judges on the one hand and of Magistrates and Collectors on the other. The former, who select the Judicial Branch after completion of the 12th year of service, perform exclusively the functions indicated by their title. They are responsible for their judicial work solely to the High Court with whom they correspond direct on all matters concerning it, and they are the direct supervisors of the Subordinate Judges and Munsifs who administer civil justice. They also hear all appeals from the decisions of Magistrates of the 1st class and have revisional powers under section 435, Civil Procedure Code, over the proceedings of all Magistrates. Their promotion, transfer, and appointment are made after consultation with the High

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Court, whose recommendations are in practice always accepted. On the Executive side, officers superior to the rank of District Magistrate and Collector perform no judicial functions whatever and have no judicial powers of any kind. The District Magistrate and Collector, apart from his duties as Collector of Revenue, Chairman of the District Board, and District Registrar, is recognised under the Criminal Procedure Code and the Police Act as responsible for the peace of the district and is the superior, in all but purely departmental matters, of the Police from the Superintendent downwards. He also under the Criminal Procedure Code exercises the full powers of a Magistrate of the first class, including those of taking cognisance of offences whether on a complaint before himself or another Magistrate, or on information to the Police or otherwise. He has the power to hear appeals from Magistrates of the second and third classes. He can also call for the record of any case disposed of by a Subordinate Magistrate and either refer it to the High Court for orders or, in certain cases, order a committal to the Court of Sessions for a further enquiry. Lastly, he can, on due cause being assigned, transfer a case from the file of any Subordinate Magistrate to his own file or to that of another subordinate Court. In practice the District Magistrate very rarely tries a criminal case himself. The Subordinate Magistrates, whether of the Indian or of the Provincial Civil Service, are not exclusively employed on criminal judicial work; they also exercise various revenue and executive functions. They have no control over the Police, but Magistrates of the first class exercise under the Criminal Procedure Code certain preventive powers similar to those exercised by a Justice of the Peace in England. Government do not consider any change necessary in this Province except that indicated in the answer to question (64) with the object of improving the efficiency of officers who have chosen the judicial branch.

38005 (89). Have you any other suggestions to make under this head which are not covered by your answers to the above questions and to the questions under the heads relating to salary, leave, and pension?—In this province as in old Bengal a certain number of posts have been added to the grades of Magistrates and Collectors to provide for certain superior posts, viz.: the Commissioner of Excise, two Secretaries to Government, the Director of Land Records and Agriculture, the Registrar of Co-operative Societies, the Political Agent for the Feudatory States, and two Settlement Officers. Formerly these posts, which are known as "staff posts," were treated exactly as if they were local or district charges. They might or might not be held by a substantive Magistrate or Collector, but, if the holder was not of that substantive rank, he drew officiating pay, while substantive promotion to the grades was given by seniority in the ordinary way. In March 1911, however, orders were received that in future unless "staff posts" were held substantively by the officers employed in these special

appointments they must remain vacant. But it was added that the Local Government might give substantive promotion to these posts to a junior officer out of his turn if it considered him the most suitable person for the appointment. The Lieutenant-Governor in Council takes strong exception to these orders. In cases where a junior officer is selected it does not appear just to deprive the senior officiating Magistrate and Collector of the pay and allowance which he has earned by good work in some other line of public utility. The selected junior officer receives a substantial increase of emoluments in the shape of officiating pay and an opportunity of seeming distinction, and it is not clear why he should receive substantive promotion to the rank of Magistrate and Collector any more than an officer appointed to officiate in a difficult and important district. To give him substantive promotion out of his turn to the grade of Magistrate, to which promotion has hitherto been given practically by seniority, would occasion heart-burning and dissatisfaction. Further, the enforcement of the orders of the Government of India may entail the reversion of an officer already promoted as the following concrete case will show:—Suppose that A, B, C, and D are the four last officers in the grades of Magistrates, of whom A is Director of Agriculture, and that B, F, G and H are the four senior officers in the first grade of Joint Magistrates, that A desires to go on leave or revert to a district and that the Local Government decides that H is the most suitable person to succeed him: it is obvious that if H is appointed, D must, as the orders stand, revert to the grade of Joint Magistrates. In such a case the Local Government might often find themselves obliged to select a less qualified senior officer as a lesser evil than the discontent to which the appointment of a more capable junior might give rise.

38006 (90). Please see the two statements contained in Appendix VIII to those questions showing the various rates of pay drawn by officers holding posts in the Indian Civil Service Cadre and the grading of each class of post for the different provinces, and say whether they are correct for your province?—The statements are correct subject to the following remarks:—(i) There are three Secretaries to Government, of whom the Chief Secretary draws Rs. 3,000 *per mensem* and the other two their grade pay only. (ii) So far as Bihar and Orissa is concerned the heading of the last column in Statement DD should be "grades of Rs. 400 and over." Assistant Magistrates begin on Rs. 400 and do not rise to Rs. 500 until they have passed their Departmental Examinations. (iii) In both statements the number of Joint Magistrates in the second grade is shown as 10. The present sanctioned number is 9; *vide* answer to question (75).

38007 (91). Please give full information regarding the rates of pay and the number of posts in each of the main grades of the Service authorised on the 1st April of each of the following years: 1860, 1870, 1880, 1890, 1900 and 1912?—The statement below gives the in-

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formation required for the 1st April 1912. No other information is available:—

Nature of posts.	Number.	Pay (per mensem).	Remarks.
		Rs.	
Lieutenant-Governor	1	8,373½	
High Court Judges	2	4,000	
Members, Board of Revenue.	2*	3,500	
Chief Secretary to Government.	1	3,000	
Commissioners of Divisions.	5	2,916½	
Inspector-General of Police.	1	2,500-100-3,000	
District and Sessions Judges.	2	3,000	
	5	2,500	
	5	2,000	
Magistrates and Commissioners.	3	2,250	
	10	1,800	
	10	1,500	
Under Secretaries to Government.	2	1,000	
Joint Magistrates.	10	900	
	9	700	
Assistant Magistrates	32	400-500	

\* With the creation of an Executive Council one appointment of Member of the Board of Revenue has been abolished and two appointments of Members of the Council have been added, the pay of which is Rs. 5,000 per mensem.

38008 (92). Are the present rates of pay and grading suitable? If not, what alterations do you recommend?—The present rates of pay were fixed many years ago. Since then the value of the rupee has fallen and prices have risen greatly. The grant of exchange compensation allowance in 1893 provided only a partial remedy, and there is a general feeling in the Service that an enhancement of the rates of pay is needed, such as has been effected in various other services. The pay drawn by junior officers in particular is inadequate. It should rise by a time-scale to Rs. 1,000 at the end of the eighth year of service. If a general revision of pay is decided on, the Lieutenant-Governor in Council thinks that the best plan would be to introduce a time-scale for all officers below the rank of Commissioner or first grade Judge, adding to the rate of pay thus settled a fixed allowance for the charge of certain appointments as explained further on.

38009 (93). If any dissatisfaction is felt, does it relate to the pay, or grading of the higher or lower posts or to both?—This general feeling is that an all-round increase of pay is needed, but especially in the lower grades.

38010 (94). Do you consider it desirable that there should be uniformity of payment

for similar kinds of work in all the provinces, and does any dissatisfaction on this score exist in your Province, and if so, what?—Although it has never been admitted that equal rates of pay for similar kinds of work in different provinces should be given, there has always been a decided tendency towards uniformity. Theoretically local conditions should, to some extent, determine rates of pay, but from the broad point of view that the service is an Imperial service and that recruits for all provinces are obtained in the same manner, any violent variations are undesirable.

38011 (95). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—The need for compensation on account of the fall in the value of the rupee is as great as ever but now that the value of the rupee is fixed, it would be simpler and more logical to abolish the separate exchange allowance and make a corresponding increase in the rates of pay.

38012 (96). If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the service who now draw no exchange compensation allowance?—The officers of Indian domicile should get the benefit of the revised rates of pay. Their expenses also have risen greatly of late years, and they generally endeavour to give their children an English education. Also it is not desirable to distinguish between members of the same service.

38013 (97). How does the system of acting allowances work in the case of officers selected to officiate in appointments involving increased responsibility? Is it productive of any inconvenience and have you any suggestion to make on the subject?—The existing rules have not produced inconvenience, but it would be fairer if officers holding charge of appointments involving increased responsibility were allowed to draw the full pay or charge allowance attached to them.

38014 (98). How is the system of officiating grade promotions, where there is no change of duties, actually worked? Is the system convenient in the interests both of the Government and of the officers of the service? Have you any recommendations to make for its alteration?—(i) The officiating grade promotions are worked out in the Secretariat and eventually checked from the scale lists maintained by the Accountant-General. This system involves a considerable amount of work in the Secretariat, and as calculations can only be undertaken at intervals, there is often an avoidable delay in announcing both promotions and reversions. In the former case, the delay does not produce much inconvenience, but reversions announced several months after they have taken place undoubtedly cause hardship.

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The system has, however, a historical basis and the service prize it as a valuable right. It could not be abolished without compensation in some form; and unless a time-scale is introduced, the Lieutenant-Governor in Council is of opinion that it should be retained.

38015 (99). What is your opinion regarding the substitution for the existing graded system of promotion of a time-scale of salary? If you are in favour of a time-scale, should it be restricted to the lower grades of the service or not?—The substitution of a time-scale for the present graded system seems very desirable. The advantages of a time-scale are well known. The element of chance is eliminated, as each officer will know the exact amount of pay which, subject always to approved work, he will receive as a minimum during each year of his service. Inequalities of promotion in different years and in different provinces are to a great extent removed. A block in promotion gives rise to justifiable complaints which can only be met by the unsatisfactory device of personal allowances but which, if not met, are liable to prejudice recruitment. In the next place, excessive recruitment in any year or period of years cannot, as at present, result in a block in promotion, except towards the end of an officer's career. The pay of each officer is personal, dependent only upon length of service and good work. He is no longer, save as regards higher appointments, dependent upon the movements of others. It is perhaps unnecessary at this stage to formulate a definite scheme, but the main principles would be (i) annual increments up to the end of the 20th year of service; (ii) fixed additional allowances to officers holding certain appointments, such as a sub-division, the charge of a district, a Judgeship of the 2nd or 3rd grade, and an Under Secretaryship or Secretaryship to Government or the Board of Revenue; (iii) the higher appointments such as Chief Secretary, Commissioner, or 1st grade District Judge to carry fixed pay outside the time-scale and officers acting in them to receive a fixed allowance in addition to their time-scale pay.

38016 (101). What is your experience of the practical working of time-scales of pay in other Indian services?—Time-scales are in force in the Political, Forest Service (Imperial and Provincial), in the Indian Educational Service, in the Public Works Department and in the Medical Department (Assistant Surgeon). The system, it is understood, works well.

38017 (102). If you recommend any system of time-scale of pay, please describe it, and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades, charge allowances, and other matters of importance. How do you propose to apply such time-scale in provinces where the scale of pay at the judicial and executive branches of the service is different?—Answered under question (99). The fact that a number of officers are employed in judicial work does not appear to be any reason why a time-scale should not be introduced if appro-

priate allowances are attached to District Judgeships and if a limited number of Judgeships are kept outside the time-scale.

38018 (103). If you are in favour of a time-scale of pay, how would you secure that the recruitment of junior officers is restricted to the number likely to be promoted in a reasonable time to posts of independent responsibility, and do you or do you not consider it desirable that all members of the Indian Civil Service should have the prospect of rising to such posts within a fixed time?—It is certainly desirable that members of the Indian Civil Service should be promoted within a reasonable time to posts of independent responsibility, but the substitution of a time-scale for the graded system would not prevent this, as the number of such posts would remain the same under either system and the number of recruits would as at present be calculated on probable casualties. If that calculation were inaccurate the error would to some extent be rectified under a time-scale, as even if an officer did not hold charge of a district within a reasonable time his pay would still increase automatically.

38019 (104). Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rate do you suggest for the various grades of the service?—The arrangement is generally suitable. But if an officer of the Statutory or Provincial Service is promoted to one of the higher appointments, such as a Commissionership, the Lieutenant-Governor in Council considers that he should draw the same pay as an Indian Civilian would get. It is essential that officers holding these posts should keep up a proper style of living, and this they would be unable to do on a reduced rate of pay. If a time-scale be introduced, it is recommended that officers of the Statutory and Provincial Services draw two-thirds of the Civilians' pay under that scale and the full charge allowances which it has been proposed [see answer to question (99)] to attach to certain appointments.

38020 (105). Have you any other proposals to make in regard to the conditions of salary not covered by your answers to the above questions?—In this province, the Civil Secretaries to Government (with the exception of the Chief Secretary) and the Commissioner of Excise draw only their grade pay, while the Directors of Land Records and Agriculture and the Registrar of Co-operative Societies receive a local allowance of Rs. 150 per mensem. The duties of a Secretary to Government are far more onerous and responsible than those of these officers. In Bengal the appointment has always carried a special rate of pay (formerly Rs. 2,916, now Rs. 2,750), but under the arrangement sanctioned for this province, it is possible for a Secretary to draw only Rs. 1,500, or even less in the case of an officiating incumbent. It cannot be expected that the best

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officers will willingly come forward to accept appointments which involve specially arduous work and responsibility as well as increased expenditure owing to the necessity for keeping up two houses. The Lieutenant-Governor in Council is emphatically of opinion that, so long as the present system of pay remains in force, the two junior Secretaries to Government should receive a local allowance of Rs. 250 per mensem. Nor is there any reason why the Commissioner of Excise should be treated worse than other Heads of Departments. Next to the Police this is the most important of all the Departments; and in this province the Commissioner of Excise is also Inspector-General of Registration. The Lieutenant-Governor in Council considers that he should receive an allowance of Rs. 250 per mensem as in Bengal. The Department of Land Records is also a very important one. The work is heavy and involves an exceptional amount of touring. This Government are of

opinion that the Director should draw the same allowance as has been recommended above for the Commissioner of Excise. The Lieutenant-Governor in Council has already pressed these views strongly on the Government of India.

38021 (106). Is there any reason to suppose that officers of the Indian Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?—The statement overleaf has been compiled from old Civil Lists. The rules allowing privilege leave to be combined with furlough came into force in 1902. As a result of this, and probably also of a rise in the cost of living at home which has made furlough allowances less adequate, the average amount of furlough now taken at one time is less than it used to be, though the number of officers who go on leave remains fairly constant. The net result is that the average number of senior officers on leave in the cold weather is less than formerly.

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NATURE OF LEAVE.	1902.										1902-3.										1907.										1911.																		
	Actual strength.		Number of officers on leave.		Percentage.		Number of officers actually proceeding on leave during the year.		Average amount of leave granted to each officer in column 5.		Actual strength.		Number of officers on leave.		Percentage.		Number of officers actually proceeding on leave during the year.		Average amount of leave granted to each officer in column 10.		Actual strength.		Number of officers on leave.		Percentage.		Number of officers actually proceeding on leave during the year.		Average amount of leave granted to each officer in column 16.		Actual strength.		Number of officers on leave.		Percentage.		Number of officers actually proceeding on leave during the year.		Average amount of leave granted to each officer in column 20.		Actual strength.		Number of officers on leave.		Percentage.		Number of officers actually proceeding on leave during the year.		Average amount of leave granted to each officer in column 24.
1	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26																									
Borough . . . . .	24	10.01	18	19	26	35	11.31	16	11	20	30	14.44	16	7	11	33	10.4	17	7	8	47	25.0	23	7	23																								
Borough on medical certificate.	6	2.51	2	10	0	2	3.2	...	...	...	2	7.4	2	6	10	3	1.70	0	3	7	0	3.33	0	3	7																								
Special leave . . . . .	2	3.3	2	5	12	6	2.45	5	5	12	9	3.33	8	3	17	0	3.33	0	3	7	0	3.33	0	3	7																								
Parliamentary leave . . . . .	40	20.5	41	2	6	33	13.11	29	2	12	61	23.6	63	2	0	40	23.5	35	2	2	170	55	30.3	43	2	2																							

(a) The quinquennial year should be 1907, but as 1911 was a finance year the year 1906 has been considered.

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38022 (107). Is all the leave on full pay due to them ordinarily taken by officers of the Indian Civil Service, and if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?—Now that privilege leave can be combined with furlough, it is, as a rule, taken by itself only when an officer is unable to go on furlough or for special reasons. It rarely happens that privilege leave, which can be accumulated up to a total of three months, is allowed to lapse. Such leave for short periods in India is rarely or never refused to officers, as it is nearly always possible to make local arrangements for their work. No change is needed in the amount of this leave which can be earned or accumulated.

38023 (108). Is all the furlough due to them ordinarily taken by officers of the Indian Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?—This Government are not in a position to give accurate figures, but it is clear that the tendency in recent years is for senior officers, at any rate, to take less furlough than formerly. It has to be remembered that while on furlough the full pension and family deductions are made so that an officer drawing nominally the maximum furlough allowance of £1,000 a year often receives only about £800. The Lieutenant-Governor in Council considers that the leave rules should be simplified by the removal of all the present restrictions, and furlough allowances increased, *vide* subsequent answers.

38024 (109). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—Furlough allowance is under Article 314 of the Civil Service Regulations fixed at half the average salary (as defined in Article 16) of the officer with a maximum and minimum. It is undoubtedly the case that these allowances, if not supplemented by savings, are insufficient to cover passage-money and expenses incurred during furlough. This is largely due to an increase in the cost of living and the difficulty would be met if a general increase in the rates of pay, suggested in the answer to question (92), were sanctioned.

38025 (110). Do you recommend any change in the concession, granted in 1893, under which leave allowances, expressed in rupees, other than privilege leave allowances issued at the Home Treasury, or in a colony with a gold standard of currency, are issued in sterling at the privileged rate of exchange of 1s. 6d. the rupee?—No change is recommended.

38026 (111). Do you consider that the maximum limits of leave allowances at present fixed are suitable? Do you recommend any change in the alternative rates fixed in sterling and in rupees, and if so, what change?—The minimum is suitable, but some increase in the maximum would be keenly appreciated

by members of the Service. In the latter years of service the leave allowance of £1,000 (with deductions) is considerably less than half salary and expenses on leave are much greater than after retirement. A maximum of £1,250 would be suitable.

38027 (112). Have you any recommendation to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—The present conditions are generally suitable.

38028 (113). Generally speaking do any of the present leave rules applicable to the Indian Civil Service cause inconvenience to the Administration, and if so what, and what remedy do you suggest?—Local Governments have recently been addressed by the Government of India on the subject of the simplification of the leave rules. By removing certain restrictions regarding the grant and combination of leave, the revised rules would be more elastic and would probably result in increased administrative efficiency, as excessive transfers would be avoided. So far as members of the Service are concerned, the removal of the restrictions as to the intervals at which leave may be taken, and as to the combination of leave, would be welcomed.

38029 (116). Do the present leave rules applicable to Statutory Civilians, or to officers of the Provincial Civil Services employed in listed posts, cause any inconvenience to the Administration, or press hardly on the officers themselves, and in what respects? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?—No inconvenience is experienced. Having regard to the fact that the two services are recruited from different sources a distinction is not inequitable.

38030 (118). Is the present system of equal annuities to all members of the Indian Civil Service generally accepted as satisfactory by the Government and by the members of the Indian Civil Service?—The system is generally satisfactory subject to the answers given to questions (121) and (122).

38031 (119). Would a non-contributory system of superannuation pensions, varying in amount with the amount of salary drawn at the time of retirement, be preferable in the interests either of the Government or of the members of the Indian Civil Service?—The comparative merits of the present system and of a non-contributory system of superannuation pension must depend entirely upon the maximum fixed. If the general provisions of Article 474, Civil Service Regulations, were applied to the Indian Civil Service, an officer who retired after 25 years of completed service as a first grade Magistrate and Collector would have earned a monthly pension of thirty-sixtieths of Rs. 2,250, and this converted at the privileged rate of 1s. 9d. (which Lord Inchcape's



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Committee did not propose to alter in the case of other services) would be equivalent to a sterling pension of £1,181 per annum. But as, *ex hypothesi*, deductions would no longer be made, the annuity value of the aggregate contributions now paid must be taken into account. In the earlier correspondence on the subject, mention is made of £500 and £400 as the portion of the pension contributed by the officer, but this includes contributions made by those who die before retirement and of those who serve for more than 25 years. The annuity value of the contributions levied from an officer whose total service amounted to 26 years of which 21 years are active service is much less than this and lies between £100 and £150. If therefore the present maximum of £1,000 be retained, a non-contributory system of superannuation pensions might reasonably be adopted; and it would certainly be welcomed by members of the Service. Having regard to the pensions earned in other services this maximum is not unreasonable. It is suggested, therefore, that the contributions towards pension should be abolished and further that members of the Service should be admitted to the benefits of the General Provident Fund. These contributions, which would accumulate at compound interest, would stand at the credit of the subscriber and would be available for payment to the subscriber or his heirs at retirement or death and available for withdrawal in special cases. Officers whose service exceed 25 years would thus reap the benefit of their own subscriptions while the payments made by an officer who died before retirement would not be lost to his heirs.

38032 (120). Assuming the maintenance of the annuity system, do you suggest any modifications in its detailed working, and, if so, what, and for what reasons?—If the annuity system be retained it would be desirable that an actuarial examination of the whole position should be made in order that it might be ascertained what portion of the annuity is contributed under the present system by Government and what portion by the officer. When the former amount is known it should be compared with the amount of superannuation pension earned under a non-contributory system in other European services and if necessary raised.

38033 (121). In particular, what is your opinion of the arrangement by which members of the Indian Civil Service, who are appointed Judges of High Courts, obtain special pensions of £1,200 a year after 11½ years' actual service as Judges? Do you recommend any change in the present conditions?—A Civilian Judge of the High Court has ordinarily earned a pension of £1,000 at, or soon after, his appointment to the High Court. It is therefore inequitable to make him serve 11½ years for an extra £200 when this period of service entitles a Barrister Judge to £1,200. Moreover, in many cases the Civilian Judge is unable to put in the required length of service before he is retired under the age clause. It is suggested, therefore, that he should be

given a special pension of £1,100 after five years' service in the High Court, and of £1,200 after ten years.

38034 (122). Do you consider that a similar system should be applied to the cases of high Executive officers, and, if so, to which? Please state the amount of pension and the conditions which you recommend as suitable. —A special pension should be given to officers of and above the rank of Member of a Board of Revenue who have held such rank for not less than five years. The following scale is suggested:—Lieutenant-Governor £1,500; Members of the Executive Council of the Governor-General £1,300; Members of Executive Council of a Local Government and Chief Commissioners and first class Residents £1,200; Secretaries to the Government of India, Members of a Board of Revenue, and Financial Commissioners £1,100.

38035 (124). Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?—The scale should be the same as that laid down in the case of officers who are forced to retire on account of ill-health.

38036 (125). Do you consider the existing pension rules suitable in the interests both of the Government and of the members of the Indian Civil Service? In particular, what is your opinion of the present rules regulating voluntary and compulsory retirement?—Subject to the answers already given, the existing pension rules and rules regulating retirement are suitable.

38037 (127). Do you approve of the present system regulating the pensions of Statutory Civilians? If not, what do you suggest?—The present system seems suitable.

38038 (128). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Services holding listed posts? If not, what do you suggest?—The present system under which a member of the Provincial Civil Service holding a listed post cannot earn a pension of more than Rs. 5,000 per annum is unsuitable. An officer holding a prize appointment of this kind should at least be allowed to earn a maximum pension of Rs. 6,000.

38039 (129). Do you accept as satisfactory the regulations of the Indian Family Pension Fund, or have you any suggestions to make either for their abolition or for their alteration? Have you any proposals to make in regard to the present methods of working such regulations?—The regulations and working of the Fund are satisfactory.

38040 (130). In particular do you approve of the exclusion from their benefits of "Natives of India," who are members of the Indian Civil Service? If not, under what conditions would you admit them, having regard to the main differences between their social conditions and those of the European members on

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which the present system is based?—There is no objection in principle to the admission of Indian members, and it is desirable that in this respect no distinction should be drawn between European and Indian members. But as payments are calculated on the vital statistics of European members it may be that the admission of any considerable number of Indians would have the effect of altering those payments. Admission should therefore be coupled with the condition that if after a period of years this was found to be the case differential rates would be imposed. This would necessitate the maintenance of separate accounts, but this would present little difficulty.

38041 (131). Do you recommend that such admission should be optional or compulsory?—Admission should be optional, the option to be exercised at the time of signing the covenant.

38042 (134). Have you any criticisms to make on the facilities at present offered—(a) to statutory civilians; (b) to members of the Provincial Civil Services holding listed posts—for providing for their families against their decease?—These officers are entitled to subscribe to the General Provident Fund and no further facilities appear to be required.

38043 (137). Have you any other proposals to make in regard to the Indian Civil Service not covered by your answers to the above questions? If so, please explain them?—The travelling allowance admissible under the ordinary rules is generally quite insufficient to cover the expenditure to which an officer is necessarily put on transfer. In the case of a married man the expenditure often exceeds by five or six times the allowances which can be drawn. Article 995 of the Civil Service Regulations lays down that travelling allowance is given to an officer to cover the actual travelling expenses incurred by him in connection with journeys on the public service. In the case of a journey on transfer this should include the expenses actually incurred in conveying an officer's family from one station to another, the transport of a reasonable quantity of baggage, including such furniture as an officer cannot be expected to sell and replace at his destination, and the conveyance of any horses and carriages which he is required to keep for the proper discharge of his official duties. Some limitations must be placed on the charges which Government may be called on to pay, in order to prevent undue expenditure which with proper forethought might be avoided; but it should be recognised that the expenses mentioned above are inevitable, and that officers transferred in the interest of the public service should be entitled to recover them. The principle has already been admitted in the case of non-gazetted officers with a salary not exceeding Rs. 400 a month, who are entitled under Article 1098 of the Civil Service Regulations to draw within certain limits the fares actually paid for their families and the cost of carriage of their personal effects. In the case of officers on higher

pay, the Local Government can sanction under Article 1000 of the Civil Service Regulations the recovery of the actual cost of carriage of horses, camels, bicycles or camp equipment when an officer is required to travel on public duty. But this article has been interpreted as applying ordinarily only to officers on tour, and not to the case of an ordinary transfer. In order to remove the undoubted hardship of the present rule, the Government of Bengal proposed in 1906 to amend Article 1904, Civil Service Regulations, as shown in the draft attached. The Lieutenant-Governor in Council considers that the alterations proposed by that Government are as satisfactory as any that can be devised.

*Article 1094.*—An officer in superior service is entitled to travelling allowance at the rates prescribed below for a journey on transfer from one district to another, if he is transferred for the public convenience, and not at his own request, or in consequence of misconduct, and if he is entitled to pay or salary during the time occupied in such journey:—

(a) For a journey by steamer or railway to the fares actually paid for the officer himself, his family and servants, subject to the following limits:—

- (i) For himself and family, four full fares of the class of accommodation to which he is ordinarily entitled.
- (ii) For servants, three full fares of the lowest class.

Also to the cost of carriage by cargo steamer or goods train of personal effects within the limits on the following scale:—

Salaries of officers.	Weight of luggage.	Horses and carriage.
Rupees 500 or less	20 maunds	} Two horses and a two-wheeled carriage.
More than Rs. 500, but less than Rs. 1,500.	40 " "	
More than Rs. 1,500	50 " "	

(b) For a journey by road, to the actual charges of locomotion for himself, his family and three servants, up to a maximum of three times the rate of mileage to which he is ordinarily entitled; and the cost of carriage of personal effects within the scale given in the preceding clause.

(c) If any member of the officer's family is prevented by good and sufficient cause from travelling with him, his or her journey may be charged for within these limits; provided he or she follows the officer within two months of the date of his transfer or precedes him by a period not exceeding one month.

NOTE 1.—[In the case of transfer within a district, an officer in superior service is entitled to travelling allowance at the rates prescribed in Chapter III.]

NOTE 2.—[Every officer other than a Commissioner or a Head of a Department proposing to draw travelling allowance under this article shall, before presenting his claim,

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submit a detailed statement explanatory of the charges incurred upon the journey to the Commissioner of the Division to which he is transferred, or to the Head of his Department, as the case may be, who shall, after satisfying himself of their reasonableness and necessity, sign a written order (which should be attached to the bill) passing them to that extent.

No charge incurred in excess of the amount thus passed should be admitted by the audit officer who should require voucher for actual expenses, except in respect of steamer and railway journeys for which the officer's certificate will suffice. Heads of offices are held responsible that no unnecessary or excessive charges are allowed under the article.]

*Written answers relating to the Provincial Civil Service.*

38041 (1). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—The conditions as embodied in the rules are suitable.

38045 (2). Please supply a copy of the rules for the recruitment of the Provincial Civil Service in force in your Province. Are these rules suitable, or have you any recommendations to make for their alteration?—Copies of the rules are annexed. Those for admission to the executive branch of the service have recently been revised to suit the conditions of this Province. Those for the judicial branch are out of date and their revision is under consideration. The Lieutenant-Governor in Council is disposed to think that officers enter the judicial branch too late in life, so that men come to the grade of Sub-Judge too old and have little opportunity of showing themselves fit for promotion to listed posts or securing an appointment in the High Court. In order to remove this difficulty, it would be well to dispense with the condition that candidates must have had three years' practice at the Bar, which is of very little practical benefit, and to make the latest age for enrolment as a candidate 24 or 25. Anyone enrolled as a candidate, when not acting as a Muhsif, should either be attached to the Court of a District Judge for training, or employed on settlement work. It is also proposed to provide for due consideration being paid to the claims of all the various sections of the community.

ANNEXURE.

*The 10th September 1912.*

No. 3732A.—The following rules for admission to the Executive Branch of the Provincial Civil Service and to the Subordinate Executive Service in the Province of Bihar and Orissa, are published for general information:—

*Rules for Admission to the Executive Branch of the Provincial Civil Service.*

*Rule 1.*—As a rule only natives of the Province will be appointed. Candidates, who are

not natives of the Province, will in no case be appointed unless they are already in Government service, or their parents are permanently domiciled in it. The subjects of Native Princes, in alliance with His Majesty, will be eligible for appointment, provided they are otherwise qualified under these rules.

*Rule 2.*—Europeans who do not satisfy the definition of Native of India, contained in section 6, Statute 33 Victoria, Chapter 3, are not eligible for appointment to the Provincial Service without the previous sanction in each case of the Government of India.

*Rule 3.*—The Lieutenant-Governor in Council will determine from time to time what proportion of appointments to the Executive Branch of the Provincial Civil Service shall be made (1) by promotion of selected officers who are already in Government service, (2) from among outside candidates.

*Rule 4.*—It is estimated that there will be ten vacancies on an average annually in the cadre of Deputy Collectors; and in order to keep the service up to strength ten probationers will ordinarily be appointed in each year. These probationers will be appointed in accordance with the following rules.

*Rule 5.*—The Lieutenant-Governor in Council will retain three appointments in his own hands.

*Rule 6.*—The Syndicate of the University may be invited in any year to nominate two graduates of high character whom they regard as the most distinguished students among those who are natives of, or who belong to families permanently domiciled in, the Province of Bihar and Orissa. The nominations will be made in accordance with the conditions laid down in Rules 1, 2 and 9. From amongst these, or from amongst graduates previously nominated under this rule by the Syndicate, who have not passed the age of 25 years, the Lieutenant-Governor in Council will, after enquiry, select one person to be a probationer.

*Rule 7.*—Three, or if in any year the University is not asked to nominate, four of these appointments will be made by the promotion of officers who are already in Government service. On the 1st September, every year, the Board of Revenue, after consulting Commissioners of Divisions, the Commissioner of Excise, and the Director of Land Records, will submit the names of six officers arranged in order of preference, with a brief statement of their services and qualifications. The age of an officer nominated under this rule should not exceed 40 years.

*Rule 8.*—Three appointments from among persons not in Government service will be made annually on the nomination of Commissioners. Nominations will be made in accordance with the conditions laid down in rules 9 and 10. For the purposes of this rule, the duty of nominating will be exercised in the rotation prescribed in Schedule A.

*Rule 9.*—The indispensable qualifications for candidates for appointments under Rule 8

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are (1) that he is not under 20 or over 25 years of age; (2) that he is of good character; (3) that he is a graduate; and (4) that he is of sound health, good physique and active habits, and free from organic defect or bodily infirmity.

*Rule 10.*—(a) In any year in which the Commissioner is entitled to submit nominations, every District Officer in his Division will submit to him, on or before a date to be fixed by the Commissioner, the names of two or three candidates, as the Commissioner may direct, among those who are natives of, or who belong to families permanently domiciled in, his district. In submitting these names he will give, in the form appended to these rules, a brief statement of the grounds of his recommendation in each case. The nominees under this rule must not be officials, but this does not exclude the nomination of Honorary Magistrates.

(b) The form must be accompanied by (i) a certificate of the Registrar of the University that the candidate has obtained a degree, (ii) a certificate of character and conduct from the Principal of the institution at which the candidate last studied for not less than one year, or from some responsible officer of Government, (iii) a medical certificate in accordance with the requirements of Article 49 of the Civil Service Regulations, and (iv) evidence of the candidate's age.

(c) The Commissioner and all the District Officers of the Division will meet on a date to be fixed by the Commissioner, and will consider the claims of all the candidates nominated. They will also call the candidates before them, and see and converse with them so as to form an opinion regarding their suitability for the public service. The Commissioner will then select two names, and submit them in order of preference to the Lieutenant-Governor in Council by September 1st. With his report submitting these names, the Commissioner will submit the prescribed form for all candidates, entering in each case, in the last column of that form, his own opinion as to the suitability of the candidate.

(d) Every candidate nominated by a Commissioner must be a native of, or be permanently domiciled in, his Division. In making nominations, special attention should be paid to the position within the Division of the community to which the nominee belongs, to social qualifications and family status and influence, to services rendered by the members of the candidate's family, and to distinctions obtained in the University.

*Rule 11.*—Every probationer must furnish, either before appointment or within twelve months thereafter, a certificate of his ability to ride, signed by a District Officer or by the Joint Magistrate in charge. In no case will a probationer be confirmed until this certificate has been furnished.

*Rule 12.*—The minimum period of probation for officers appointed direct will be one

year. On termination of that period appointments will be given to approved probationers in order of seniority as vacancies occur. There will be no minimum period of probation for probationers already in Government service. In special cases the Local Government may declare the period of probation or training prescribed for persons appointed to the Provincial Civil Service by direct recruitment to be unnecessary. Probationers will receive an allowance at the rate of Rs. 100 a month, provided that persons already in the service of Government who are appointed to be probationers may continue to draw the pay of their last appointment up to a maximum of Rs. 250 a month.

*Rule 13.*—The confirmation and promotion of officers whose appointments are governed by these rules are subject to their passing the Departmental Examinations by the standards and within the periods prescribed in the rules for those examinations. Those who fail to satisfy the conditions so laid down will render themselves liable to removal from the service.

*Rule 14.*—Promotion to grades below that on Rs. 500 a month will ordinarily be given according to seniority, subject to fitness and approved conduct. But the Lieutenant-Governor in Council reserves the right to make promotion to the senior grades of the Provincial Service by special selection for merit without regard to seniority, and hereby declares that seniority alone shall not give a claim to appointment to the grade on Rs. 500 or higher grades. The Government of India also retain power in very special cases to make direct appointments to the higher grades.

*Rule 15.*—No member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental enquiry.

#### *Rules for Admission to the Subordinate Executive Service.*

*Definition.*—The Subordinate Executive Service includes appointments of Sub-Deputy Collector and any other appointments which the Lieutenant-Governor in Council may from time to time specifically declare to be included therein.

*Rule 1.*—Seven appointments of Probationary Sub-Deputy Collectors will be made annually, or, if in any year the University is not invited to nominate to the Provincial Civil Service, then eight.\* Five of these appoint-

\* If in any year any officer promoted under Rule 7 of the rules for admission to the Provincial Civil Service, is not a member of the Subordinate Executive Service, the number of appointments made to the Subordinate Executive Service in that year will be reduced accordingly. This means that there will be a reduction of one (or more as the case may be) in the number of nominations available for Commissioners of Divisions; and, unless there are special reasons to the contrary, the Commissioner, on whose recommendation the promotion was made, must not expect his recommendation for an appointment to the Subordinate Executive Service to be accepted in that year.

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ments, one for each Division, will be made upon the nominations of Commissioners of Divisions. These appointments will be made in the manner and on the conditions prescribed in Rules 9 and 10 of the Rules for admission to the Executive Branch of the Provincial Civil Service. The Lieutenant-Governor in Council will retain the remaining appointments in his own hands.

**Rule 2.**—Rules 1, 2, 11, 12, and 13 of the Rules for admission into the Executive Branch of the Provincial Civil Service apply *mutatis mutandis* to the Subordinate Executive Service also. The usual allowance of Probationary Sub-Deputy Collectors will be Rs. 50 per mensem.

**Rule 3.**—In making their recommendations under Rule 1, Commissioners are at liberty to nominate any officers of Government serving within their Divisions, who have been recommended by the Director of Land Records, the Commissioner of Excise or other Heads of Departments even though they are not graduates, provided that they are under 40 years of age.

#### SCHEDULE A.—(See rule 8.)

1912.		
Commissioner of the Orissa	Division.	
Ditto Tirhut	„	
Ditto Bhagalpur	„	
1913.		
Commissioner of the Orissa	Division.	
Ditto Bhagalpur	„	
Ditto Patna	„	
1914		
Commissioner of the Orissa	Division.	
Ditto Patna	„	
Ditto Tirhut	„	
1915.		
Commissioner of the Orissa	Division.	
Ditto Tirhut	„	
Ditto Bhagalpur	„	
etc. etc.		

#### FORM.—(See rule 10.)

Column 1. Name of candidate and address in full.

„ 2. Father's name, profession or occupation, and address in full.

„ 3. Religion and caste or race.

„ 4. Date of birth (day and month to be given).

„ 5. Educational qualifications, and places of education during the preceding four years with dates.

„ 6. Other information regarding the candidate (physique, moral character, present occupation, etc.).

„ 7. A memorandum of the status and services of members of the family.

Column 8. Special claims for consideration.

„ 9. Remarks indicating degree of Collector's personal knowledge of candidate and sources of information about him.

H. LEMESURIER,

Chief Secretary to the Government of Bihar and Orissa.

NOTIFICATION No. 1784A., dated the 10th March 1894.

Rules for Admission into the Judicial Branch of the Provincial Civil Service.

**Definition.**—“The Judicial Branch of the Provincial Civil Service” includes Small Cause Court Judgeships outside the Presidency town, Sub-Judgeships, Munsifships, and any other appointments which the Lieutenant-Governor may from time to time specially declare to be included therein.

1. In accordance with section 7 of Act XII of 1887, nominations to Munsifships will be made by the High Court under the following rules, which have been framed by the Lieutenant-Governor in consultation with the High Court, and sanctioned by the Governor-General in Council.

2. A candidate shall present an application in writing to the Registrar of the High Court, Appellate Side. This shall ordinarily be accompanied by the following certificates, viz. :—

(1) that the candidate's age does not exceed 27 years;

(2) that he has obtained the degree of B. L., or has passed the Senior Pleadership or some analogous examination, or is a Barrister-at-Law, or Member of the Faculty of Advocates in Scotland, or is an Attorney on the rolls of the High Court;

(3) that he is of good moral character and has received a liberal education;

(4) that he has practised as a Pleader or Barrister or Member of the Faculty of Advocates in Scotland, or Attorney, for not less than three years, except in the case of Vakils of the High Court, for whom the period of qualifying practice will be two years. The High Court may, for special reasons, dispense with a portion (not exceeding two years) of the said period of three years (*vide* Notification No. 1440A.—D., dated the 14th June 1907);

(5) that he is in good health and is physically fit for service. The certificate of health must be signed by a Presidency Surgeon or a Civil Surgeon.

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3. It shall be within the discretion of the High Court to require any such additional proof on any of the above points as it may think fit.

4. If the qualifications of the candidate are satisfactory to the Court, his name shall be entered in a register as *eligible* for admission to the Subordinate Judicial Service, but priority of entry in the register shall confer no right of priority of appointment. A candidate's name shall be removed from the register in the event of failing to obtain a gazetted appointment under section 7 of Act XII of 1887 before attaining the age of 29 years.

5. At the time a registered candidate is appointed permanently to the service, he shall ordinarily be required to submit a fresh health certificate signed by a Presidency Surgeon or a Civil Surgeon.

## APPENDIX.

The following rules, which the Government of India and the Secretary of State have determined shall be applied in all branches of the Provincial Civil Service, are published for the information of candidates for admission to the Judicial Branch:—

1. Europeans who do not satisfy the definition of Native of India contained in section 6, Statute 33 Victoria, Chapter 3, are not eligible for appointment to the Provincial Service without the previous sanction in each case of the Government of India. With such sanction they may be appointed if they are qualified under the conditions mentioned in rule 2 of the above rules.

2. The subjects of Native Princes in alliance with Her Majesty the Queen-Empress of India are eligible for appointment to the Provincial Service if they are qualified under the conditions mentioned in rule 2 of the above rules.

3. All candidates for admission to the Judicial Branch must furnish satisfactory evidence of a thorough knowledge of at least one of the vernacular languages of the Province. The High Court will require all candidates who have not already furnished such evidence at some recognized examination, to pass a special examination, in either Bengali, Hindi, Urdu, or Uriya before appointment. The object of the examination will be to test the candidate's knowledge of the language and ability to write and read the written character with facility. The examination will include—

- (1) translation into English of proceedings, petitions, reports, etc., written in manuscript, and
- (2) translation from English into the vernacular selected.

4. Every person appointed to the Judicial Branch shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the High Court declares such probation or training to be unnecessary.

5. Promotion to grades below that on Rs. 600 a month will ordinarily be given according to

seniority, subject to fitness and approved conduct. But the Lieutenant-Governor reserves to himself the right to make promotion to the senior grades of the Provincial Service by special selection for merit without regard to the seniority, and hereby declares that seniority alone shall not give a claim to appointment to the grade on Rs. 600 or higher grades.

6. No member of the Judicial Branch shall be dismissed otherwise than on the result of a judicial or formal departmental enquiry.

H. J. S. COTTON,

Chief Secy. to the Govt. of Bengal.

38046 (3). Please see the statement showing the constitution of the Provincial Civil Service, reproduced as Appendix B to these questions, and state whether the information is correct for your Province. If not, what alterations are required?—The statement for the executive branch of the service is now out of date. Since April the 1st 1912, 7 appointments have been added for settlement work and 2 for general administrative purposes and the grades now stand as follows:—

		Rs.	
1st grade	. . .	800	5
2nd "	. . .	700	5
3rd "	. . .	600	12
4th "	. . .	500	37
5th "	. . .	400	55
6th "	. . .	300	57
7th "	. . .	250	60

The statement is otherwise correct.

38047 (4). Please state the different systems of recruitment that have been adopted for the Provincial Civil Service, the periods for which they were in force, and the number of officers recruited year by year in your Province under each system since its formation?—The rules are the same as were in force in Bengal. The number of officers recruited this year for the executive branch of the service is 12 including promoted Sub-Deputy Collectors. The statement subjoined shows their distribution by race:

Bihari.	Uriya	Chota Nagpuri.	Bengali.	European and Eurasian.	Total.
5 (a)	4 (b)	Nil	2 †	1 (c)	12

\* Includes one Bengali domiciled in Orissa.

† Both promoted from the rank of Sub-Deputy Collector.

(a) Includes one promoted Sub-Deputy Collector.

(b) " two " " Collectors.

(c) A Statutory " Native of India."

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No substantive appointment of Munsif has been made since April 1st, 1912. The statement below shows the officers who have been selected for officiating appointments and their distribution by race:—

Bihari.	Urja.	Chota Nagpur.	Bengali.	European and Eurasian.	Total.
5	1	Nil	6*	.....	11

\* Domfelled in Bihar and Orissa.

38048 (5). Please state the number of natural-born subjects of His Majesty other than "Natives of India" recruited in your Province in each year?—No natural-born subjects of His Majesty other than Natives of India have been recruited for the service since the creation of the Province.

38049 (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—The first part of this question is not applicable to this Province. Government are fully satisfied with the system of recruitment now in force subject to the remarks which have been made in the answer to question (2) regarding recruitment for the Judicial Branch. The main objections to recruitment by open competition are that it is impossible by that system to provide for the claims of all the different classes and communities in the Province, and that success in a competitive examination does not connote the possession of the qualifications which are required for actual work. A system of nomination subject to the possession of a good University degree is preferable to one of combined nomination and examination.

38050 (7). To what extent are non-residents of the Province employed in your Provincial Civil Service? Do you consider that only residents of the Province should ordinarily be recruited?—The subjoined statements give the information required for the Provincial Executive and Judicial services respectively:—

*Executive Branch of the Provincial Civil Service.*

NATIVES OF		BENGALIS.		Others.	Total.
Bihar.	Orissa.	Domfelled.	Non-domfelled.		
12	20	4	16	51*	223

\* Includes 1 European and Eurasian and two Indians from the North-West. The few Indian Christians have been shown by race.

*Judicial Branch of the Provincial Civil Service.*

	Bihari Hindus.	Urja Hindus.	BENGALI HINDUS.		Mahomedans.	Total.
			Domfelled.	Non-domfelled.		
Sub-Judges	1	Nil	Nil	13	2*	16
Munsifs	18	2	5	27†	16*	70

\* Includes "Bengali" Bengali Mahomedans, both domfelled and non-domfelled.

† Includes "Bengali" Bengali Mahomedans, both domfelled and non-domfelled.

N.B.—The exact accuracy of the statements cannot be guaranteed.

As far as possible recruitment should in future be confined to natives of the province.

38051 (8). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—At present there is an excessive number of Bengalis. When this province formed part of Bengal it was flooded with Bengalis who are educationally more advanced than the people of Bihar and Orissa. It is most desirable that all classes and communities should be duly represented.

38052 (9). What is the system of training and probation adopted for officers of the Provincial Civil Service? Do you consider it satisfactory, and if not, what alterations do you recommend?—The system of training of officers of the Executive Branch of the Provincial Civil Service is satisfactory. A copy of the rules is appended.\* There is at present no system of training for officers of the Judicial Branch. In this connection please see answer to question (2).

*\* Rules for the training of Probationers, Assistant Magistrates, Deputy Magistrates and Sub-Deputy Magistrates.*

1. It is the duty of District Officers to look to the practical training of young officers placed under them, from the commencement of their official life until they acquire a practical experience of their work and qualify themselves for the exercise of higher powers by passing the prescribed examinations. District Officers are expected to take an active interest in the well-being of the young officers placed under them.

2. The following rules apply to Probationers appointed direct to the Provincial Executive Service and to the Subordinate Executive Service:

(1) The minimum period of probation will be twelve months. Probationers shall, during their probationary service, be trained so as to get as much experience as possible in Magisterial and Revenue Courts, with a view to acquiring a knowledge of office routine. During this period they should study the Codes and the Acts to enable them to go up for their Departmental Examinations as soon as they are permitted to do so. For Probationers who are



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appointed in the ordinary way in the autumn this will be in October or November of the succeeding year. But officers who are appointed at other times will not be allowed to go up until twelve months have elapsed from the date of their appointment.

(2) Each Probationer will be trained in the Magisterial Department for three months, and in the Revenue Department, including (1) Tauzi and Government Estates, (2) Land Registration, (3) English office, (4) Munshik-haua Registers, (5) Certificates, (6) Record-room, (7) Cess and Revaluation, (8) Nizarat, (9) Excise and Income-tax, (10) Treasury,\* for nine months. The amount of time spent in each Revenue Department will depend on the amount of work in that department of the particular office to which the Probationer is posted.

(3) Probationers should not take up Partition, Survey and Settlement, or Land Acquisition work. These departments form the subject of special training.

(4) The Collector should maintain a register showing, with reference to the work in his office, the amount of time a Probationer will spend in each department.

#### *Training in Magisterial Work.*

(5) Probationers should, while under training in the Magisterial Department, attend the Court of a first class Magistrate, selected by the District Magistrate, during the trial of criminal cases. They should be required to prepare a full, complete, and careful record of the depositions of the witnesses and a concise summary of the evidence given. They should also be required to take notes of the argument of the pleaders, discuss the application of the law to the facts of the cases reported by them, and write a decision. This should be done in at least six defended cases.

(6) The records of the cases prepared under rule (5) should be submitted by the Probationer to the trying Magistrate, who should examine them with a view to see that they are intelligently prepared. He should point out any obvious mistakes. The records should also be occasionally examined by the District Magistrate or the Joint Magistrate.

(7) Probationers should be deputed to examine the various registers kept in the Criminal Courts and to submit inspection reports according to the Inspection Manual. They should also inspect the Record-room and other Departments of the Magistrate's office according to the Manual. The inspection note should be submitted to the District Magistrate through the Deputy Magistrate in charge.

Probationers may also be deputed for miscellaneous inquiries in regard to criminal case when the inspection of a locality or other matter is important; and they might be examined in Courts as to their reports. They

might also conduct inquiries in chaudiari and other simple matters.

#### *Training in Revenue Work.*

(8) Probationers should not be required to work as clerks, or to write up registers; they should, however, prepare notes or *précis* of cases and should draft letters. They should see all the papers which go up to the Deputy Collector, and the Deputy Collector should utilise their services in any way that he can in connection with them. The Deputy Collector should see that each Probationer makes himself acquainted with the law and rules bearing on subjects dealt with and should in selected cases require him to prepare a note explaining the procedure or the reason for the action taken. In departments the work of which involves the keeping of accounts or registers, Probationers should check and initial entries made in registers, check the accounts and examine the preparation of returns. They should also inspect each department according to the Inspection Manual, and the Collector might utilize their notes of inspection for his own inspections. They should also attend inspections by senior officers.

(9) At the end of the probationary period in any department, or under any Deputy Collector, the Deputy Collector should record a note in the register referred to in rule (4), stating how the Probationer has attended to his duties, and giving an opinion as to his industry and ability. This should be shown to the Collector.

(10) Probationers should keep a diary, and record briefly the work done by them daily. The diary should be submitted to the Deputy Collector under whom they are working for the time being, and should be seen periodically by the Collector.

3. As a preliminary to their passing the Departmental Examination, Assistant Magistrates, Deputy and Sub-Deputy Magistrates, and Probationers, who are required under Rule 2 in Part B of these Rules to appear at the examination, have to prepare records† of criminal (including sessions) cases as laid down in Rule 22 of the Rules in that Part. Assistant Magistrates are also required to receive a thorough training in the Tauzi Department and Collectorate Record-room under the special supervision of the Collector.

38053 (10). Is the existing system of departmental examinations suitable, and if not, what changes do you recommend?—The existing system is suitable. There is no departmental examination for officers of the Judicial Branch.

38054 (11). Do you consider that any change should be made in the classes of officers and appointments at present included in your Provincial Civil Service?—No change should be made.

\*N.B.—Probationary Deputy and Sub-Deputy Collectors, while undergoing their training in Treasury work under this rule, may, as heretofore, be placed in subordinate charge of Treasuries under rule 23 of the Rules in Part B.

† Probationers appointed direct have to prepare these records in addition to those required by Rule 2 (5).



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38055 (12). What is the system on which the strength of the <sup>Executive</sup> ~~Judicial~~ branch of your Provincial Civil Service is fixed? Do you consider it satisfactory, and if not, what alterations do you recommend?—The strength of the executive branch of the Provincial Civil Service is determined by the number of inferior posts necessary for the administration, less those which it is calculated that the number of junior civilians in training for superior posts will normally be sufficient to fill. These posts include appointments for general administration, settlement, partition, excise, etc., as well as a leave reserve of 14 per cent. calculated on the number of permanent appointments. This system is satisfactory. In the judicial branch, the strength of the service is based on the actual number of sanctioned posts.

38056 (13). In particular is the leave reserve adequate, and the system on which it is graded suitable?—The leave reserve is adequate. In the executive branch it originally consisted of an extra grade on Rs. 200 the strength of which was fixed at 14 per cent. of the other 7 grades. This grade has now been amalgamated with the 7th grade. There is no reason why all the posts which form a leave reserve should be in the lowest grade. All additions to a graded service should be spread over the grades in proportion to the sanctioned grading, otherwise the prospects of the service are spoilt. There is no leave reserve in the judicial branch and vacancies are filled from the list of enrolled candidates.

38057 (14). Is there any reserve for officers under training and is it adequate?—No. Officers on probation, which generally lasts from one to two years, do not count as part of the cadre, and this provision is sufficient.

38058 (15). What is the annual rate of recruitment and how is it fixed? Has it worked well in practice and does it secure an even flow of promotion?—The annual rate of recruitment for an ordinary service in India is calculated to be 3.82 per cent. but this rate is inefficient to keep a service, constituted as the executive branch of the Provincial Service in Bihar and Orissa, up to its proper strength. The reason of this is that a certain proportion of its officers are promoted from the Subordinate Service and therefore enter the Provincial Service at a more advanced age. The actual rate fixed for Bihar and Orissa is now 4.30 per cent. This figure has been arrived at, partly on the basis of the actual figures of the last ten years in Bengal, and partly by actuarial calculations. There has been over-recruitment in the past which has left Bihar and Orissa with an undue number of probationers waiting for confirmation, but now that the rate of recruitment has been fixed as noted above, it is hoped that normal conditions will gradually reassert themselves. In the Judicial Branch, recruitment depends on the actual number of vacancies occurring in each year, and no difficulty has been felt.

38059 (16). To what extent is any system of selection for appointments to the higher grades enforced? Is any change of practice required in this respect?—All promotions to and above the 4th grade (Rs. 500) are made by selection. In making this selection the Character Reports, and especially the opinions of Commissioners, carry great weight. The higher grades are reserved for picked men who are suitable for posts of responsibility and it is from them that Subdivisional Officers are selected. In the Judicial Branch all promotions above the rank of Munsif are by selection on the recommendation of the High Court.

38060 (17). Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—The present system is suitable, but Government should have full power to retire officers of proved inefficiency before they reach the age of 55; and for this purpose a system of proportionate pension is necessary as recommended for the Indian Civil Service.

38061 (18). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and if so, in what direction?—The functions of the two branches are as a rule absolutely distinct, but in the Chota Nagpur and Orissa Divisions rent suits are tried by Deputy Collectors instead of by Munsifs; and in Chota Nagpur one or two Munsifs exercise criminal powers and a few Deputy Collectors are vested with the powers of a Munsif. No change is needed.

38062 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—Subject to what has been said elsewhere the existing system is suitable.

38063 (21). Are you satisfied with the present designation "The Provincial Civil Service"? If not, what would you suggest?—Government are satisfied with the present designation.

38064 (22). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—The principle is suitable.

38065 (23). Please give full information regarding the rates of pay and the number of posts in each of the main grades of the Pro-

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vincial Civil Service authorized on the 1st April of each of the following years:—1890, 1900, and 1912. When was the last general reorganization effected, and what improvement of prospects was effected thereby?—The statement below gives the information required for the 1st April 1912, when this province was created. Nine appointments have been added to the cadre of Deputy Collectors

since April 1st, 1912, and the number of appointments in each grade now sanctioned is as shown in the answer to question (3). The last general reorganization of the Executive branch of the Provincial Civil Service was effected on the 1st January 1912 when the eighth grade on Rs. 200 which comprised the leave reserve was amalgamated with the seventh grade on Rs. 250.

Executive branch.				Judicial Branch.			
	Grade.	Rate of pay.	Number of posts.		Grade.	Rate of pay.	Number of posts.
		Rs.				Rs.	
Deputy Magistrates and Deputy Collectors.	1st	800	4	Subordinate Judges.	1st	1,000	2
	2nd	700	5		2nd	800	6
	3rd	600	12		3rd	600	12
	4th	500	36	Munsifs	1st	400	20
	5th	400	52		2nd	300	19
	6th	300	54		3rd	250	19
	7th	250	59		4th	200	10
Total	...	...	222	...	...	...	88

38066 (24). Are the existing rates of pay and grading in the Provincial Civil Service of your Province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—The question whether the executive branch of the service should not be regraded in view of the recent amalgamation of the 7th and 8th grades and of the low proportion of posts in the higher grades is being examined. Government are also considering what measures should be taken to improve the conditions in the judicial branch; in particular the raising of the pay of the lowest grade of Munsifs to Rs. 250 is very desirable.

38067 (25). Are you satisfied with the present system under which officiating promotions are not made in the Provincial Civil Service? If not, what alteration do you recommend?—The introduction of the system of officiating grade promotions is not recommended. But some improvement is necessary in the conditions of service. Apart from the fact that since the present rates were fixed the cost of living has increased, promotion is extremely slow, and to enable an officer to earn the full pension it is frequently necessary that he should be granted extensions of service. If the Provincial Civil Service is to occupy the same relative position to other Provincial Services as the Indian Civil Service does to other European Services, pay and prospects should be improved, although it is recognized that the expenditure involved would be considerable. Revision might be effected either by the adoption of more favourable grading and the addition of a grade on higher pay, or by the introduction of a suitable time-scale.

38068 (26). What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time-scale, should it be restricted to the lower grades of the service, or not?—So far as he has been able to examine the question, the Lieutenant-Governor in Council is of opinion that a time-scale of salary would get over many of the difficulties at present felt in dealing with both branches of the service, but as it is necessary to draw a clear line of division below which promotion would be given almost entirely by seniority and over which promotion would be given entirely by merit, a partial introduction only of the system is recommended. Whatever course is taken, it is essential that a large percentage of posts should be put into the higher grades. The main cause of slow promotion and the consequent dissatisfaction in the executive service is, that in the province as a whole, only about 10 per cent. of the appointments fall in the three highest grades. In the judicial branch of the service no less than 29 per cent. of the appointments are worth Rs. 600 per mensem and over, and it seems just that the prospects offered to members of the executive branch should approximate to this. The cost of any revision would no doubt be very great, but some change in the present conditions, under which it is difficult for a member of the Service to earn the full pension open to him unless he is granted an extension, seems necessary.

38069 (29). If you recommend any kind of time-scale of pay, please describe the scheme that you propose and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades,

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charge allowances and other matters of importance? How do you propose to apply such time-scales in provinces where the scale of pay of the executive and judicial branches of the service is different?—If a time-scale is introduced as already stated, it should not extend to the higher grades, promotion to which should be by selection as at present. As now officers in special branches of the service should continue to receive local allowances and those holding charge of a subdivision including a Sadar subdivision should receive a charge allowance and free quarters. The time-scale for the executive and judicial branches should be entirely separate.

38070 (31). Is there any reason to suppose that officers of the Provincial Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?—Leave, specially furlough, is probably more often taken in the Executive branch of the service than formerly, but members of the Judicial branch of the service very rarely go on furlough. The leave reserve is adequate and leave is seldom refused, though it has sometimes to be postponed.

38071 (32). Is all the leave on full pay due to them ordinarily taken by officers of the Provincial Civil Service, and, if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?—Members of the Executive branch of the Provincial Service usually take the full amount of privilege leave due to them, but occasionally an officer who is stationed in a district that he likes, refrains from taking leave from fear of being transferred. The amount which can be earned is suitable. In the Judicial branch officers are not entitled to any leave on full pay unless they are detained on duty during the annual vacation (*vide* Articles 272–274, Civil Service Regulations). They are thus obliged to take their leave at one fixed time in the year. If compelled by domestic or other reasons to take leave at other seasons, they can only do so on half-pay. Seeing that nearly half the annual vacation is enjoyed by Executive as well as Judicial officers, it seems only just that all members of the Provincial Judicial Service should be allowed privilege leave to the extent of 15 days in each year on full pay, and they should be allowed to accumulate it up to a total of three months inclusive of any leave which may be due to them owing to their being detained on duty in the vacation.

38072 (33). Is all the furlough due to them ordinarily taken by officers of the Provincial Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?—Officers in either branch of the service very rarely take the full amount of furlough due to them. At the same time it is undesirable to restrict the amount of ordinary

furlough which is by no means too liberal, and there is no reason to cut down the amount of leave that may be taken on medical certificate.

38073 (34). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—The rates are suitable. Furlough allowances are ordinarily at the rate of half the average salary. This probably results in reducing the amount of furlough taken, but no complaints against the rules have ever been made.

38074 (35). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable?—The limits now fixed by Articles 341 and 342, Civil Service Regulations, are suitable.

38075 (36). Have you any recommendations to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—A redraft of Section VI of Chapter XI of the Civil Service Regulations (general conditions of leave—combination, extension and commutation of leave), of Chapter XII (short leave), which apply to all services, has recently been circulated for opinion. The alterations recommended by the Government of India appear to be generally suitable, but the question has not yet been fully examined.

38076 (37). Generally speaking, do any of the present leave rules applicable to the Provincial Civil Service cause inconvenience to the Administration, and, if so, what; and what remedy do you suggest?—No inconvenience is caused.

38077 (38). In particular, are they a contributory cause of excessive transfers of officers, and, if so, how can this difficulty be met?—The present rules do not lead to excessive transfers.

38078 (39). Do any of the present leave rules press hardly in any way on officers of the Provincial Civil Service, and, if so, in what respects? What is, in your opinion, the appropriate remedy? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—The restrictions in the existing rules sometimes cause hardship and this Government approve of the Government of India's recent proposals to allow medical leave unconditionally, subject to a total maximum of three years and a maximum at one time of two years; to allow ordinary furlough at the rate of one-tenth of active service to be taken at any time up to a maximum of two years; and to grant six months' special leave at any time during an officer's service. If these proposals are approved the existing grievances will be removed.

38079 (40). Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?—The present system is satisfactory.

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38080 (43). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Service holding listed posts? If not, what do you suggest?—Officers who have been confirmed in listed posts should be allowed the extra pension of Rs. 1,000 a year. In other respects the existing scale of pension is suitable.

38081 (44). Do you consider that the existing rules governing the voluntary and compulsory retirement of members of the Provincial Civil Service are satisfactory? If not, what changes do you recommend?—The existing rules are suitable.

38082 (45). To what extent do members of the Provincial Civil Service subscribe for the benefit of their families to the Government General Provident Fund, or to other official or officially recognised funds? Are any further facilities required, and what arrangements of this kind do you consider to be necessary?—Out of a total of 222, 90 members of the Provincial Civil Service subscribe to the General Provident Fund as follows:—

At the rate of 12½ per cent.	. . .	43
" 9½ "	. . .	5
" 7½ "	. . .	1
" 6½ "	. . .	41
		<u>90</u>

Out of a total of 88, 34 members of the Judicial branch of the service subscribe at the following rates:—

*Sub-Judges*—

At the rate of 12½ per cent.	. . .	6
" 6½ "	. . .	4
		<u>TOTAL . 10*</u>

*Munsifs*—

At the rate of 12½ per cent.	. . .	14
" 9½ "	. . .	2
" 7½ "	. . .	3
" 6½ "	. . .	5
		<u>TOTAL . 24</u>

\* Mr. Ram Lal Dutt who is holding a "listed" post of District and Sessions Judge also subscribes at the rate of 12½ per cent.

The facilities offered are sufficient.

38083 (46). Are you satisfied with the existing organization of the Provincial Civil Service? If not, please state what alternative organization you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—Yes. Subject to the answer already given to question (24).

Mr. H. LEMESURIER called and examined.

38084. (Chairman.) You are the Chief Secretary to the Government of Bihar and Orissa?—Yes.

38085. And you come before us to put in and to explain the answers furnished by your Government?—Yes.

38086. We understand that the opinions which you are about to give will be your own?—Yes.

38087. I should like to say in starting, on my own behalf, and on behalf of my colleagues, that I am afraid the visit of the Commission in these early days of your Government's existence may be somewhat inconvenient; but we were very reluctant to forego the opportunity and advantage of visiting this Province. We are very sensible and appreciative of all that has been done to make our enquiry easy and convenient, and I should be grateful to you if you would convey our best thanks to His Honour the Lieutenant-Governor and his colleagues for all that has been done for us. Your Province falls into three distinct portions, Bihar, Chota Nagpur, and Orissa?—Yes.

38088. Would you describe to us briefly the peculiar characteristics of these three divisions and tell us what are the main problems with regard to them?—Briefly, Bihar is a continuation of the United Provinces with the permanently settled districts with which it was originally united. It now comprises three divisions, Patna, Tirhut, and Bhagalpur. The conditions of these are more or

less the same. They are inhabited by pure Indians generally known as Aryo-Dravidian. There is a large Muhammadau population in the Patna and the Bhagalpur Divisions, less strong in Tirhut. To these three divisions are added the Sonthal Parganas, which is a hilly tract, until recently inhabited entirely by aboriginal races. It approaches in all other respects to Chota Nagpur. Chota Nagpur is a division of five districts, which is a tableland leading up to Central India. Its original inhabitants were aborigines, but the Chiefs claim to be emigrants from Upper India of Rajput descent. At the present time the country is largely penetrated from Calcutta and from the south generally, owing to the discovery of minerals, coal in the Manbhum and Hazaribagh Districts; iron in Singhbhum, and copper also in Singhbhum. The population, therefore, divides itself entirely into a purely savage race and those who have come in to exploit the mines or to work the Administration. Orissa was originally a Hindu Kingdom until the middle ages. It was afterwards overrun by Moguls, and the settled parts of it were called the Mogul Bund parts. Later on it was annexed by the Mahrattas and from them we took it at the beginning of the 19th century. The population of Orissa proper is Hindu, and it contains a number of shrines at Puri and other places of the Vishnuvite section of the Hindus. The people are physically more akin to the Bengali than to the Upper Indian, but their habits are totally distinct; they have characteristics of their

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own, their own language, their own character, their own social system. A large portion of the division consists of some independent Feudatory States, which number nearly thirty, and which have a semi-independent Government.

38089. Your Government is composed of a Lieutenant-Governor, of two members from the Indian Civil Service, and an Indian member?—Yes.

38090. In this respect your Province is unique at present?—Yes; we have succeeded Bengal in that respect.

38091. How does your Province compare in area and population and the number of its district charges with the other Lieutenant-Governorships?—The area is 111,829 square miles, of which 83,181 are British territory, and the rest in Feudatory States. The population is 38,435,293, of which 34,490,084 are in British territory. As compared with the Lieutenant-Governorships, Bihar and Orissa comes next in population to the United Provinces. In area it is the fourth of the Lieutenant-Governorships. The district charges are twenty-one, to which must be added the Feudatory States and the Scheduled District of Angul. The number is the smallest of any of the Lieutenant-Governorships or major Provinces.

38092. You have, I notice, 54 superior posts in your cadre as against 111 in the United Provinces, 80 in the Punjab, 83 in Burma, and 51 in the Central Provinces?—Yes.

38093. Your Province came into existence in April 1912?—Yes.

38094. Your Government would, on the whole, keep the open competitive examination in England as it is, and regard that as the main door of entrance to the service for both Europeans and Indians?—Yes, subject to some reduction in age.

38095. If the increased employment of Indians is desired, your Government would supplement the supply by recruitment in India through nomination of a certain number of graduates in Honours who would then be sent to England for a two years' probationary course?—Yes.

38096. Are you prepared to say at all, approximately, what that number would be?—We have hardly yet been able to calculate what the numbers would be, because we have, first, to examine whether the existing cadre is absolutely adequate to our requirements, or whether it is necessary to provide for additional posts to meet the wants of the Province which have only been examined for a year. It has a large population and enormous district charges.

38097. It is too early in the day to say whether the cadre is sufficient or not?—I should be inclined to think that it is insufficient. It is a difficult thing to ask the Government of India to revise it within so short a period as one year.

38098. From what you can see, present experience points to its being insufficient?—Yes, I think so.

38099. Under your scheme selection would be made by a Central Board appointed by the Imperial Government?—Yes.

38100. Has it been considered at all how this Board might be constituted?—No definite decision has been arrived at; but a suggestion has been made that it might be composed of one or more members of the Governor-General's Executive Council, with the assistance, possibly, of the Chief Justice of a High Court, the Vice-Chancellors of one or two Indian Universities, and such other persons as might be supposed to be capable, picked from different aspects.

38101. We have had the suggestion made to us by witnesses elsewhere that the Board should contain a non-official as well as an official element?—Yes, I think that might be possible; and perhaps it would be desirable to have non-official members to claim that representation of the various classes upon which Government lays stress.

38102. I notice it is suggested that with any increase of Indians there should be no reduction of the existing strength of the European element, but that that increase might be made, where it was found necessary, by additions to the cadre?—No reduction of the cadre of the Indian Civil Service, whether composed of English or Indian members recruited in the ordinary course.

38103. Your Government hope by requiring a fairly high educational qualification, and providing, at the same time, for adequate training, to get round the difficulties which appeared under the old statutory system?—Yes.

38104. Has your Government considered whether they would not also combine nomination with a competitive examination for the candidates?—I think the Government are opposed to the principle of competitive examination on the ground that you very often have to look to other considerations at the time you are making the selection. It might be necessary to recruit a Punjabi; and it might be necessary to have a Muhammadan. On looking at the candidates as they come up there might be reasons which would make one more obviously desirable as an all-round officer than another. However carefully you might originally select the man, in the end the selection might be more likely to fall on the wrong man more than if they were selected throughout.

38105. The candidates are to be recruited to the Indian Civil Service?—Yes.

38106. Would it not rather contribute towards their position in that connection that they should enter through a competitive examination rather than merely through nomination and a qualifying test?—I think if we once introduce the competitive examination system it would make a difference between them and the men who get in in the ordinary course at Home. If it was acknowledged that they were men recruited entirely

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on personal considerations and sent over to join the Service on probation, there would be no question whether or not they would have beaten the other men on examination.

38107. You think that under that system they would be more likely to enter the Service on an equality with the Indian Service officer who had gone through the competitive examination than if they went through a somewhat similar ordeal, although that ordeal might be in India?—I think so. There would be no question then of trying the two men by the same standard, and arguing whether one standard was higher or the other lower. They would be like the King's cadets in the Army.

38108. Any way, as I gather from your answers, you anticipate that when they join the Service, whether it be by a competitive or by a qualifying examination, they will ultimately serve on an equality with their colleagues who have gone through the competitive examination in England?—Yes.

38109. You would also keep the present listed post system as providing an incentive for the members of the Provincial Civil Service to do good work?—Yes.

38110. You have, at present, five officers in the listed posts?—Six at present. There is one temporary Additional Judgeship which is filled by a member of the Provincial Service.

38111. You favour 20 to 22 as the age-limit for entrance?—Yes.

38112. Do you not think that this might run the risk of cutting right across the University course?—That has been considered, and I believe it would undoubtedly cut across the Oxford "Greats," which, I am afraid, is absolutely barred by that. It was thought on the whole that it was necessary to have the two years' probation.

38113. You have thought it out carefully; but, at the same time, would it commend itself to you personally to recruit earlier, say, nearer the school-leaving age, and to have a three years' course to follow with provision made for an Honours degree?—I only heard that suggestion made within a day or two ago. I do not know yet whether it would be possible to get the Universities to establish such a course, or whether it would be possible, in view of the complaints we have heard of, owing to the jealousies of other Universities of Oxford and Cambridge. If that were done it does seem as if that would be a solution but I am afraid I must admit that we have not thought that it was possible.

38114. Of course it is on the assumption that the Universities in England would fall into line with such a suggestion?—Yes. The system under which I was myself recruited was that I passed the examination at eighteen; I went to the University, and for the two years I was there I was *in* it but not *of* it; and that was the objection which hitherto I believe prevailed with Government in suggesting a reduction of that age. The scheme you have now mentioned had not been considered.

38115. You would regard it as a serious objection if the opportunity were denied to those who were desirous of passing through the Honours course?—Certainly.

38116. As regards the Universities in India, would any difficulties arise in connection with the degree there?—At present an Indian student passes the matriculation at sixteen, not before. The course for the first degree, B.A., is four years. It can therefore seldom be passed before twenty-one, and in no case before twenty. That does distinctly put an Indian graduate at a disadvantage.

38117. There is one University where the matriculation is at fifteen?—I am not aware of that.

38118. I see your Government are prepared to give senior members of the Provincial Civil Service the designations now enjoyed by the junior members of the Indian Civil Service. Would you personally be prepared to go further and allow all Deputy Collectors to be called Assistant Collectors? They do the same work, do they not?—Yes. Frankly the title which is really coveted is that of Joint Magistrate, not Assistant.

38119. With reference to your answer to question (49), can you tell us why your Government is opposed to the establishment of a separate institution in England?—It would probably be better for men in training to see people doing something else than their own particular kind of work. If they are shut up in one place it will probably be not half such a good life to live in always as a big University. They will not meet nearly so many people; and also the expense would be so enormous in starting on a complete scale that it would probably be an inferior place.

38120. You set great store by the catholic atmosphere of the University?—Yes.

38121. At the same time, I suppose, you would like to see a more specific means provided at the Universities for the particular training necessary for the Service?—Certainly. It is a great pity when the special training is outside the University field.

38122. Turning to question (60), is it your experience that the high standard laid down in your answer relating to the training of junior officers is kept up in practice?—So far as I have been able to judge, I think it is. The Collectors are reminded every year when each batch comes out.

38123. We have heard a great deal of evidence upon this point, emphasizing the somewhat haphazard training which a young Civilian obtains under the recent system. It may be good, and it may be indifferent. Which would you regard as the most suitable districts for young Civilians to enter, rural or urban?—Rural, undoubtedly; right in the mufassal.

38124. In your Province do the young Civilians live with the Collector when they are under training?—In many cases they do; not always, but very generally.

38125. That, of course, is a great advantage?—Yes, a great advantage. I always had

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Assistant Magistrates to live with me when I was a Collector here.

38126. I suppose careful selection is made of the officer who is to give the training?—Yes. We have a very small recruiting, only four or five a year, so we are able to choose our men.

38127. In answer to question (62) you lay great stress upon the Departmental examinations. You would assist officers further in acquiring the vernacular. You are of opinion that the knowledge of the language possessed by members is less than it used to be?—Senior men, less.

38128. You say that tours in the mufassal are intermittent. Could you tell us, approximately, how many months on an average a Revenue officer is in Camp throughout the year?—He should be from ninety to one hundred and twenty days as a minimum. I think most districts keep that up. At headquarters district, such as this, however, it is not possible to do that.

38129. But that is not ninety days together, it is intermittent throughout the year?—Yes, it is intermittent; but the bulk of it is done in the cold weather.

38130. You refer to the fact that excessive work leaves little time for study. Could you tell us about the problem of overwork in this Province so far as you have been able to observe it?—Take this district here. The Collector, in addition to his regular duties, was, until he was relieved a few months ago, Chairman of the local Municipality. It is a large town, and there are very difficult sanitary problems. He also had this year to superintend the acquisition of land for the new Capital, and for new buildings. The result has been that he has had to have an unusual amount of assistance given to him. I am living with him, and I know he is at work continually the whole day right up to the night. The men are undoubtedly worked to the fullest extent which they can manage. We find, consequently, that when big reports are called for it is very often difficult to get the information, and it is not possible for the officer to give the full amount of attention to it which is required.

38131. You have Additional District Magistrates and Assistant Judges?—We have no Additional District Magistrates. We have not come to the state of appointing one.

38132. You anticipate their appointment in the future?—I think it is very probable that one will have to be appointed in this district very shortly; and if the impression which we have as to the work in other districts is correct, it is probable that in several other large districts they will also have to be appointed.

38133. Of course that will relieve appreciably the work of the Collector?—Yes, very materially.

38134. Have you got Honorary Magistrates?—Yes, throughout.

38135. Can you tell us what proportion of work they do?—We have some figures which show that for the past five years it has increased, from 10 per cent. in 1907, to 13.5 per cent. in 1910, and 12.5 per cent. in 1911. About one-eighth of the work is now done by them.

38136. Have any of them first-class powers?—Yes, in exceptional cases.

38437. You find that the work is being done satisfactorily?—On the whole the Commissioners report that a great deal of good work is done by the Honorary Magistrates.

38138. Please turn to your answer to question (73): I see you have eight officers of eight years' service and over, drawing less than Rs. 1,000 a month?—I should like to modify that. At present the first four officers in the list are all holding superior posts.

38139. So that it is reduced now to four?—Yes, it is reduced now to four. As a matter of fact, No. 7 is also now holding a superior post temporarily.

38140. In fact, now there are only three officers?—Yes, there are only now three officers.

38141. Which officer has the longest service of these three, and what is his salary?—Mr. James is a second grade Joint Magistrate substantive, officiating first grade, and he is drawing an allowance of Rs. 150, so that his total salary is Rs. 1,150.

38142. How many years' service has he?—Just over eight years. He completed eight years' service last October.

38143. You have not got the serious blocks in promotion here at present which we have come across in other Provinces?—No.

38144. You state that the number of inferior posts allowed you under the existing system is likely to be insufficient. What are the posts which you hold must be filled by junior Indian Civil Service officers, and cannot be made over to Indians?—These figures are based upon the recorded orders of the Bengal Government some five or six years ago. They held that twelve sub-divisions in this Province should be held by Civilians, to which we have to add two, which, under the present conditions, require the same; one owing to its being infested by armed gangs of savages from the Feudatory States; and another owing to the growth of the coal industry in its midst. So that there are really fourteen of these against twelve which Bengal had fixed. Then, in addition, there are eleven posts of Joint Magistrates at headquarters. Of these we were only able to fill five during the last cold weather; and four of the officers who were so employed have already gone, or are on the point of going, to district charges in the hot weather. Those districts will remain for the whole of the hot weather without Joint Magistrates. That is to say, that out of eleven Joint Magistrates we shall only have one.

38145. Assuming that your number is insufficient, and you have to add to it, how



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would you meet the problem of multiplying the junior posts without diminishing the prospects of independent work?—That is the reason why the Lieutenant-Governor has accepted the orders of the Government of India to see how it works. The Government realise the danger you refer to, and are trying to see whether it is possible by shifting men about from place to place to meet the difficulty; but with only one year's experience they hesitate to give a definite opinion.

38146. In answer to question (82) you say that officers of under eight years' service frequently take six months' leave. In other words, is this becoming a regular practice?—I think it is.

38147. Does this in any way interfere with the calculation of postings?—Yes. We have had to ask officers to give us six months' notice before they apply for this combined leave unless it is for medical or very special reasons.

38148. Will it not necessitate, almost, a recasting of the calculation for leave reserve?—In making the yearly postings it upsets the work completely unless we have very long notice.

38149. In answer to question (89) you mention the difficulty with regard to certain superior posts. If senior officers were appointed rather than juniors, would not the difficulty be met?—Yes; but the difficulty arises. The illustration we took, perhaps, was not the best. Had we said "Settlement officer" it would have given the point. For instance, there are five Settlement Officers in our Civil List, none of whom are yet permanent Collectors. They are all under the system. Before these orders of the Government of India they went up automatically. As soon as a man below them officiated as Magistrate, they officiated too, and they got their settlement allowance. When a man reverted they reverted also, but kept the settlement allowance. If one of these men vacates the post the man who is to succeed him is the man who acted as Assistant, obviously. But those Assistants are, again, a long way down the line.

38150. Your Government favours a time-scale. We have on record a great deal of evidence about this. All I would ask you with regard to the proposal made by your Government is, whether you would allow all officers, including those who may be rejected for the charge of a district, to draw increments beyond a certain amount?—I am afraid I must say that the time-scale was drawn up by my colleague Mr. Kershaw, the Financial Secretary, largely on actuarial grounds with which I am not acquainted, and I am hardly qualified to answer upon that point.

38151. We will ask him about it. I only bring this forward because elsewhere, where a time-scale has been discussed, Rs. 1,500 has been the extreme limit for officers. In your written answer to question (98) you say that reversions are announced several months after they have taken place. What do you mean by

"several months"?—I have here two notifications of the kind which have been issued, and I would ask permission to put them in. [*The documents were put in.*]

38152. We should be glad of any facts you can give us with regard to this?—One of them was issued on the 5th December, and the other on the 7th February. Those are the only two issued. Yesterday the Collector of this district brought me a retrenching slip from the Accountant General retrenching him rather more than two months' acting allowance. That was the first intimation that he had reverted, and it means that one-third of his salary will be docked on the next pay day. He is an officer who has to make remittances home.

38153. That is a typical case?—It is not an uncommon case, certainly.

38154. As regards leave, all you recommend is a simplification of the rules on the lines of the Government of India's proposals?—Yes, and the increase of the maximum furlough allowance to £1,250.

38155. Assuming that the latter concedes the £1,000 pension, but you would like to make it non-contributory, and you would like to see the present 4 per cent. deduction allocated to a fund for the benefit of the officer concerned or his family?—That is the Government recommendation.

38156. Assuming that the latter concession was made, would you agree to the foregoing of any of the £1,000 pension?—I am afraid here, again, I have not fully considered this part of the case. It, also, was Mr. Kershaw's drawing up, chiefly.

38157. As regards the difficulties caused by the present scale of allowances on transfer, is that, again, a point that we should get from Mr. Kershaw?—I think I can say from personal knowledge that the loss is very heavy on every officer.

38158. Apparently it is your experience that the expenses are sometimes five or six times as great as the allowance?—That has happened to myself. I have had twenty-seven transfers in the course of my service.

38159. So that you regard it as a real hardship?—It is.

38160. Could you tell us anything about the claim about to be represented by some witnesses that the Sub-Deputy Collectorship should be incorporated into the Provincial Service. Upon what is that claim based?—I take it that the claim is based, first, on the fact that under our rules the qualifications are very much the same. In both cases they are required to be graduates, to be Natives of the Province, of good character, and good health, and so on.

38161. In that connection is the qualification different from that of Tahsildars in other Provinces?—I believe it is. I am told that it is not a condition in other Provinces.

38162. The qualification, therefore, is precisely the same for the Deputy and the Sub-Deputy Collector?—It is of the same kind,

\* Vide Appendix II.



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but of less degree. There is practically an understood condition that the degree for the Provincial Civil Service must be a degree in Honours except in exceptional cases.

38163. Are there any other points you wish to bring forward?—The work done is also very similar in kind, and particularly so with the Sub-Deputy Collectors who are posted to Sub-Divisions as second officer. They invariably exercise magisterial powers of the second or third class. They do a great deal of criminal work, and practically carry out most of the Sub-Divisional officer's duties, when he is on tour, at headquarters. Then they are also employed very largely as Assistant Settlement Officers, as special officers for carrying out partitions, for land acquisition, and famine relief. Above all, Sub-Deputy Collectors are employed in very large numbers as Assistant Settlement Officers in carrying out the records of rights in various districts.

38164. From your experience of India, are those functions which you have just described in any respect different from those carried out by Tahsildars in other Provinces?—They are certainly in advance of what the Tahsildars used to carry out in Assam, as I knew it in my early years of service there. I do not know whether in the United Provinces Tahsildars have been employed to carry out these duties of late years. I believe, originally, as their name indicates, they were merely Revenue Collectors.

38165. Generally speaking, you rather support this claim?—I should be inclined to do so, but for the fact that looking at our Civil List I find that there are only at the present moment two Deputy Collectors in this Province who have served more than ten years in that rank. There is a very large promotion every year to the rank of Deputy Collector. This year alone seven officers were promoted from Sub-Deputy Collectors to Deputy Collectors, and I am not sure that that does not give a fair field.

38166. Of course, you realise that this claim is one which has been made in this Province, but not in others?—I was not aware of that. I shall look rather to the improvement of the prospects of these officers than to increasing the status of those who occupy such positions as those of second officers of Sub-Divisions. Where the Sub-Divisions are large and important they require a first-class and not merely a second-class Magistrate, and that would necessarily be a Deputy Collector, and in that way would give promotion.

38167. Your system here is not so much one of territorial jurisdiction, is it, as of appointment for the time being by the Government to a District headquarters?—There is one exception. The Sub-Divisional Officer has his territorial jurisdiction, and his second officer also has subordinate jurisdiction, subordinate to him within that Sub-Division only. But all the officers employed on special duty, and, broadly speaking, officers carrying out the Revenue administration, are posted at headquarters for work throughout the District.

38168. In that respect you differ from other Provinces?—Except Bengal.

38169. Can you say how many officers in the Provincial Service, in both branches, have actually been passed over or left in lower grades under your selection process?—None in the first grade, and none in the second grade. Three officers were passed over for promotion in the third grade, and have remained in the fourth, of whom one has since retired on medical certificate. He was an invalid when he was passed over. One officer was passed over for promotion from the fifth grade to the fourth. He has since retired. He was known to be on the point of retirement at the period.

38170. So that it really amounts to two left in the force?—Yes, two left in the force.

38171. (*Sir Murray Hammick.*) Are you of opinion that it is desirable that the Indian Civil Service Indians should be appointed in India having respect to the Province to which they belong, and of which they are Natives?—I do not think it is necessary that they should be posted to that Province on coming out.

38172. I understood you to suggest to the Chairman that one of the objects of having a Committee who would select, and not having competitive examination, was that they would have regard to the Provinces to which these men were to be posted. I want to know whether you think it would be necessary to take care that a Civilian, for instance, in Southern India was not posted to a District in the North of India?—I was not thinking of their posting. I thought of the composition of the Service.

38173. You mean as regards the number of different creeds and classes?—Yes.

38174. And not so much as regards the geographical distribution of the Civilians?—No. It was not a question of what Province they were to serve in, but of giving any race which was left out in the cold this field.

38175. As regards this selecting body, which you propose to sit, I suppose, at Delhi, how would the candidates be selected that were to be put before this body?—Would you leave it to the Local Governments to submit names?—I think it would be best, perhaps, if they were to apply direct, and that the Local Governments reported or advised upon them.

38176. That would be that any candidate may apply to Government to be appointed to the Indian Civil Service, and this list would be sent round to the different Provinces for report, and the first selection would take place by the Local Governments, and then after the Local Governments had struck out a certain number of those names, the remainder would go before this Committee at Delhi?—I think the Selection Board should examine the applications. Some, of course, they would strike out at once. They would send for the opinions of the Local Government and consider them, and then they would make their own selection.

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38177. Is this Selecting Committee to sit in some central place in India and to personally interview all these candidates?—It is a question of the number of candidates, and the amount of selection you can do, in the first place. It might be necessary to send them to be examined locally, and to be reported on. You might have to send one member of the Selection Board to see the candidates in different places.

38178. You would only send them to England for two years?—For whatever period is the probation for the Indian Civil Service.

38179. Do you think a two years' probationary course for a boy of 20 to 22 would be sufficient to give him an insight into English character, and really give him some touch of the English mind?—It would be better if it were three years, if that were the same course for the ordinary Civilian getting in by the open competition. But you do not want to shorten up his course. You would have to rely upon the material being sufficiently good when it was picked.

38180. Do you propose that these men should go home to a University?—Yes.

38181. To a residential University?—Yes, a residential University: to be in college.

38182. With regard to your answer to question (37), I did not quite understand what you said about Joint Magistrates. You think it is necessary to retain the title of "Joint Magistrate"?—I think, frankly, that if you dropped the title of "Joint Magistrate" altogether, and used the titles "Assistant Collector" and "Deputy Collector," the senior Deputy Collectors would not feel that they were marked off from the juniors. The tradition in Bengal for many years has been that the criminal work at headquarters was done by the Joint Magistrate. The officers of the Provincial Civil Service mainly do that work now, and would like to have the title and the rank which it carries; the status, in plain language.

38183. You say that a great number of these districts are left without Joint Magistrates for long periods. Then the work is done by Deputy Collectors, I suppose?—Yes, I have said so.

38184. Is there any objection to the Deputy Collectors doing this work?—No. On the whole, I think they do it very well.

38185. The Deputy Collectors in Sub-divisions do magisterial work too, I suppose?—Yes.

38186. Do they commit to the Sessions?—Yes.

38187. Try first-class cases?—Yes.

38188. So that, practically, the Joint Magistrate is only doing the criminal work of the principal Sub-division?—Yes.

38189. So that he does not differ, so far as his powers are concerned, from the Deputy Collector who is in charge of a Sub-division?

—Not in his powers. In fact, his powers are rather less under the Criminal Procedure Code.

38190. It seems rather absurd to give him a title which other Deputy Collectors do not get?—The real reason is that the Joint Magistrate at headquarters is the Collector's and Magistrate's First Assistant, the man he relies upon, normally speaking a man of sufficient standing to be given appellate powers.

38191. Do not Sub-divisional Magistrates have appellate powers?—Not hitherto. They are being extended, but only in the case of third-class Magistrates.

38192. Supposing the Collector has not a Joint Magistrate, but only has a Deputy Collector, I presume he does not use him in the same way as a special Personal Assistant as he would a Joint Magistrate?—There are officers who do it.

38193. Does the Joint Magistrate in Bihar and Orissa do Revenue work in headquarters besides his magisterial work?—Yes.

38194. Is he in charge of a Division, of Revenue work, or does he simply assist the Collector?—He has general charge of the office while the Collector is out on tour; and he very frequently inspects the office for the Collector when the latter cannot do it. Perhaps the only work he absolutely does not do is the hearing of appeals or the holding of Revenue sales. When you have a Joint Magistrate of some standing at headquarters he helps the Collector in any branch of his work.

38195. These Sub-divisions in your districts are never put in charge of an Indian Civil Service officer?—I speak of those Sub-divisions which are always so put.

38196. As a rule the Sub-divisions are generally in charge of Deputy Collectors?—Yes.

38197. Have you any special Sub-divisions marked down for Indian Civil Service officers?—Yes, I give a list of those.

38198. Are those because they are specially important?—Because they are specially important, or because there are special duties in connection with them. One is a military cantonment, another contains a central gaol; and is also the canal headquarters. In some there are a large number of planters; and at the present time there is trouble between the planters and the ryots.

38199. How many are there?—There are fourteen altogether.

38200. Which are always in charge, as far as can be, of Indian Civil Service officers?—Yes.

38201. Are your Honorary Magistrates, who are first-class Magistrates, generally retired Government officers?—In many cases, not always.

38202. Have you been able to make first class Magistrates of men who have had no Government office experience?—Yes.

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38203. Sitting on the Bench or sitting alone?—Some sit on the Bench and some sit alone. A good many Benches have first-class powers sitting as a Bench.

38204. As regards the training of your Assistants, does this Government get for the first two or three years of an Assistant's career in India periodical reports as to their progress from the Collectors?—Yes.

38205. And do they write and ask for opinions upon them?—Yes.

38206. Is it a regular thing that every Collector has to report confidentially on his Assistant every six months or so?—He has to do so on his subordinates once a year. In addition, before each Departmental examination, we look up and see how a young man is doing, and ask whether he is satisfactory and has passed each step before he is given increased powers. We write and consult the Commissioner and Collector as to whether he is fit for his post.

38207. As regards the colloquial examination, it has been suggested to me once or twice that it would be desirable to make an Assistant Collector pass in his books and writing early in his Service, and to have a very stiff colloquial examination in his third or fourth year. Do you favour a system of that kind?—Since we started stiffening the standard the men have responded extraordinarily. I know that the colloquial standard now is three or four times as hard as it was in my time. The young men have no difficulty in getting through it.

38208. You think that the probability is that for the last five or six years there has been a great improvement in the colloquial knowledge of young Assistants?—Of the younger men, I think there is, distinctly. Settlement training and sub-divisional work does that for them.

38209. With regard to leave, the officers in the Central Provinces put forward a strong proposal that every officer should be made to take one month's privilege leave, as they call it, they would rather put it in the way of casual leave: that is to say, an officer was not to have it on claim, but the Government was to consider, if possible, that he should go on full pay every year for one month. Do you think a proposal of that sort would be favoured in this Province?—I think not. In the first place we all get ten or twelve days at the Dussahra, which is always given if it can possibly be arranged for. Then there is another week at Christmas. That gives two good breaks.

38210. You would not like to see any interference with the accumulation of three months' leave?—No.

38211. You do not think it leads to men staying on when they really ought to take a holiday?—I think it is the business of a Commissioner to see to it that if a man is not able to do his work because he is ill, the Civil Surgeon should be put on to him, and send him Home.

38212. With regard to these Sub-Deputy Collectors, out of promotions to Deputy Collectors, how many, as a rule, do you get from Sub-Deputy Collectors, and how many are appointed direct?—I have the conditions of appointment here. Normally we appoint seven as against ten: seven from the Sub-ordinate Service, and ten direct.

38213. Has that rule been kept to?—We have only had one year.

38214. If that rule is kept to that gives substantial promotion from the Sub-Deputy Collector grade to the Deputy Collector grade?—Yes.

38215. These Sub-Deputy Collectors, I understand, are very much what Tahsildars are in other Provinces, only they are called by another name?—Yes; except that they do not have the small circle or charge under them.

38216. They do not have special charges?—No.

38217. They are used everywhere as Assistant Deputy Collectors?—Yes.

38218. Many of them are first-class Magistrates, are they not?—None of them are first-class Magistrates. They are second and third-class Magistrates.

38219. Without power to commit?—Without power to commit.

38220. And the appeals from these Magistrates go to the Joint, or, sometimes, to the Deputy? You told me that some of the Deputies have appellate powers, and some have not?—Yes, that is so.

38221. From what you know, do these men have a real grievance? Is the service distinctly unpopular?—I think the whole thing is this: the difference between the calibre of the candidates for the two classes is so small, it is of degree and not of kind, that the man who does not get a Provincial Civil Service vacancy thinks himself very hardly used for the rest of his service. Sometimes it is a close thing. The Commissioner sends up two men's names, both as alternatives, for the Provincial Civil Service, and then he sends up two men's names, as alternatives, for the Subordinate Service. Sometimes, instead of taking his first nomination for the Subordinate, we ask whether the second choice for the Provincial would take the Subordinate appointment, and he does very often. But he does it, of course, with the hope of getting promotion.

38222. The pay of these men is from what?—From Rs. 100 to Rs. 250, Sub-Deputies.

38223. It is actually the same pay as Tahsildars in South India get?—Yes.

38224. There is one distinction you have not got here which they have in other places. The Subordinate Service is locally recruited. Your Commissioners do not recruit from this service at all. It is all done by the Lieutenant-Governor in Council?—The Commissioner nominates two names, one of which the Lieutenant-Governor accepts.

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38225. The appointment into this Sub-Deputy Collector grade is made by the Government, and not by the Commissioners or Collectors?—That is so. That of course, is what gives rise to discontent: that the same Government is appointing the same class of men to two different grades of offices, one of which is superior, and the other inferior.

38226. Do these Civil Service Assistants who are in out Sub-divisions get their house rent free?—All Sub-divisional Officers get their houses rent free.

38227. Are they generally Government houses?—Yes. There is one case in which a Sub-divisional Officer gets Rs. 50 a month for house allowance, and hires his house.

38228. It amounts to the Sub-divisional Officers getting a considerable increase to their pay. No officers except in Bengal get Rs. 50 a month for house allowances?—No, except in Assam and Bengal.

38229. (Mr. Chaudal.) Your scheme of selection would not meet the grounds upon which the advocates of simultaneous examination put forward their scheme for larger recruitment of Indians, would it? The grounds which are put forward for proposing simultaneous examination are mainly that the best of Indian students are kept back from competing at the open competitive examination. These grounds would not be met by the scheme you have suggested?—I suppose not.

38230. May I know what your opinion would be upon a view which is pressed upon us in some places, that the representation of classes and communities is not so important in the higher Service as in the Provincial Service, and that the recruitment to the highest Service should be on the same basis as by the open competitive door?—I suppose in a degree that is correct. I think if the Service became entirely the monopoly of one race the opposition would make itself felt very keenly.

38231. May I know what would be your opinion of keeping only one process of recruitment, the open competitive examination in England, and getting over the ground which is proposed by the advocates of simultaneous examination by extending the present system of Government scholarships? At present you know that there are two Government scholarships given for candidates who are proposed by the University to be sent Home for study at Cambridge and Oxford, and appear for their Indian Civil Service examination. Supposing the ground which is put forward by the advocates of simultaneous examination is met, by extending this system of scholarships, what would be your opinion as regards that scheme as compared with your system of selection?—Perhaps the two things are not quite on the same footing. Personally, I should be exceedingly glad to see anything which enables a large proportion of competent Indian students to compete in London. If it is absolutely the case that a large number of competent candidates are deterred from want

of means, I would welcome any means of giving them the necessary assistance to compete. There are at the present moment some two thousand Indian students in England.

38232. Not for the Indian Civil Service?—Perhaps not. But it does appear to me that the difficulty of going Home must be somewhat exaggerated if so large a number of Indian students go Home of whom a large number have a great chance of passing the examination.

38233. I do not think that the advocates of simultaneous examination say that Indians should not go in in large numbers for such vocations as, say, the Bar, and the medical profession, and other things. A man can go in for medicine, for instance, until he is 28 years of age, and he can go in for the Bar at any time. I know of several instances where persons after having practised ten or twelve years have gone Home to be called to the Bar. But it is not correct to say that that proves that for the Indian Civil Service the best Indian students should not be kept there. That is supposed to be believed; and I do not think the mere fact that there is a large number studying for different things in England quite disproves that. I put it to you in this way. There are certain circumstances which make a simultaneous examination very inexpedient and not proper to grant. A simultaneous examination, if granted, is sure to cost a certain amount to the revenue of the State. There would be no objection to spending that money, but for the other effects of simultaneous examination which you apprehend. Therefore, instead of spending that revenue for a simultaneous examination, utilise it for sending the best Indian talent by either handing over the selection of candidates to the Universities, or adopt the process I have described of extending the present system of Government scholarships, so that the money will be best spent. It will not bring in its way the disadvantages which are apprehended from simultaneous examination?—I do not think I can see any objection to a suitable system which will help candidates to go home.

38234. Supposing for any reasons it is desirable in the interests of British candidates that the age should be lessened, either to what you have proposed, or to an earlier age even, would there be any objection to keeping a slight difference of age between Indian students and the English candidates appearing at the open competition? Supposing you take the University age (the University age is a certain age in England) and you find that to enable Indian graduates to appear you ought to fix a certain limit, would there be any objection to recognising the difference of a year and a half or two years between the English and the Indian students, assuming that the graduates from India are permitted to appear at the open competitive examination?—I see your point. I fully appreciate that it is a particularly strong one. It would require a very careful comparison of the re-

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lative calibre of the candidates, and the difference in their capacity which such a difference in age would make. *Prima facie*, I think, of course, it is fully arguable, and it might be absolutely necessary to grant it; but I should like to know a little more about it.

38235. (Mr. Fisher.) I see your Government is very anxious to restore *vivâ voce* competitive examination. Do you think it would be practicable to have *vivâ voce* examination in the 38 different subjects now offered for examination?—I am speaking of the time when I was examined. I was *vivâ-éd* in about a dozen subjects.

38236. It was more easy for boys than it is now?—Yes.

38237. I think that is probably the reason why it will have to be abandoned?—It may be impossible, but it would be advisable to have an oral examination if it could be done.

38238. Supposing the age of the examination were put back to 19, the school-leaving age, would there be any objection to allotting the successful candidates to their respective Provinces at the age, just after passing: would there be any technical difficulty in the way?—I think not. It was done in my time.

38239. I had a sort of impression that it was done at the last examination?—I believe it is now. But when I passed we were allotted to our Provinces immediately after competition.

38240. Assuming the candidates pass at 19, and they are sent to Oxford and Cambridge, for, say, a three years' probationary course in Indian subjects, would you advise any differentiation of subjects according to the Provinces to which the various candidates have been allotted?—The law course would have to be varied in some respects, particularly Revenue law. It would be necessary that each student should understand something of the general land systems of India, and, in particular, of the Province to which he is to be assigned. Of course the thing would naturally differ according to the Province, as at present.

38241. Therefore some additional complication would be introduced into the system owing to that necessity?—To a certain extent, there must.

38242. Would you advise the candidates so selected to study a classical Indian language?—In my time we were always very strongly advised to do so. In most cases, except for those who were going to the United Provinces or the Punjab, we were always advised to take Sanskrit.

38243. And those going to the United Provinces and the Punjab took Persian?—Yes.

38244. Would there be any particular value in the study of Arabic?—I have no doubt if an officer was going to a Province where educated Muhammadans are numerous it would be very valuable to him; but, from

all I can hear, I am afraid that in India Arabic literature is not at present in a very flourishing condition.

38245. On the whole, you would be disposed to recommend that provision should be made for the study of the three classical languages, Arabic, Persian, and Sanskrit, in your School of Indian Studies?—Certainly.

38246. And you would wish your School of Indian Studies to be half devoted to Law and Administration, and half to Oriental languages: would that be about the proportion?—There are other things, of course, which would have to come in, Indian History and Geography.

38247. Ethnology?—Yes; and Political Science. That, I suppose, we would include under the head of "Administration."

38248. Do you think that the Indian candidates who might happen to be successful at the examination, or who might come to England under your scheme of nomination, should have a different course?—There would not be much point in their taking their own vernaculars, and probably, for those who had taken high degrees, it would do them good to take a classical language. They would work up for Honours in that. The saving in the vernacular, and in many cases, in law might be enlarged. You might have a man who had taken Indian Law already, and then it would be a question of finding other subjects in the University curriculum instead.

38249. (Mr. Madge.) From your answer to question (3) you think the present system of competitive examination gives the same conditions of training in a considerable measure to all classes of candidates. It falls short of complete satisfaction in many cases?—One year's training is an extremely short time.

38250. I do not mean the training, I mean the whole system of competitive examination?—Yes, a certain number of unsuitable men get through.

38251. By as much as it falls short of equalising the conditions of developing character, would you admit that it is not quite satisfactory for any but British candidates, of whom a good deal may be assumed, but is not decided in the examination or in the subsequent training? I want to get your opinion upon that point?—Yes, as a test, of course, it is not perfect. It involves the assumption stated in the answer. "It was designed to find a rough-and-ready means of selection amongst candidates born and educated in the United Kingdom who were necessarily assumed in other respects to be equally suitable."

38252. Then in some cases the interval may be a long one?—No doubt.

38253. Your refer in answer to question (7) to the importance of *vivâ voce* examinations, and you emphasise the same fact in your answer to question (42). Do you think that the advantage gained in *vivâ voce* examinations corresponds in any way to the advantages which a Judge gains in observing the

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demeanour of witnesses, and other things, that only come out in personal contact?—No doubt. In fact, that is what is intended.

38254. And where that opportunity is lost a great deal may be lost?—I think so.

38255. As regards the confining of Indians to their own Province, it has been said that by sending an Indian out of his own Province you secure, to some extent, if not entirely, some amount of the detachment that an Englishman possesses in India with reference to all Indians. Do you think that is a sound argument?—If you assume detachment is itself a good thing, of course it is; but I am not quite sure that that necessarily follows.

38256. Supposing the detachment is a good thing in respect of local influences, of which it is better to get rid, is the difference only one of degree, or of kind, between the detachment which an Englishman possesses anywhere in India and the detachment which an Indian possesses out of his own Province?—The peril which you wish to avoid is the same, I think.

38257. In kind, and not in degree?—You do not want an officer to be influenced by considerations which will affect his work. On the other hand, it may be a great advantage to you to have an officer who thoroughly understands the people amongst whom he is, and who may be the means of assisting very materially in improving the relations between them.

38258. In answer to question (13) you say, "The preliminary training which an officer who selects the Judicial Branch receives under the present system is of the utmost value to him in the performance of his duties as a Judge. His tours and Revenue and Executive duties, especially if he is employed on Settlement work, give him a practical knowledge of the actual conditions of village life and the relations between landlord and tenant which it would be impossible for him otherwise to obtain and the want of which would be certain to result in frequent miscarriages of justice"?—I should prefer to say that the lack of it puts the candidate from the Bar at a great disadvantage in connection with practical work.

38259. Which he might only atone for if he was a barrister of high standing or great experience?—Yes. I understand in some of the other Provinces Judicial Commissioners have been recruited from the Bar, and I have myself seen and known others who have held high appointments.

38260. Do you think that, as a rule, you could secure the services of a barrister of good standing who had fair prospects in his own profession?—I do not think it would be worth his while taking it except for very special reasons.

38261. With reference to the two systems to which you refer in your answer to question (16) as to the limits of age, do you think that the character is better formed at home under the conditions prevailing there or in this country?—I am afraid I must say that until very recently the question of developing cha-

racter was not considered in Indian schools. I am aware, of course, that great progress is being made, but I do not think it has reached anything like that which is desired by the best Indian members.

38262. In answer to question (20) you say, "This Government fully accept the views and principles laid down by Lord Macaulay's Committee. In particular they strongly deprecate any attempt to recruit specialists whether for the Judicial or other branches of the Service"; and then in answer to question (50) you say, "Their future studies should be such as have a special tendency to fit them for their calling." I want to call your attention to the development which agriculture and chemistry and other technical branches have received in recent years: and to ask whether there is, or is not, any inconsistency between those two views. Do you not think that there might be some tendency towards additional special subjects being given in the syllabus?—You must remember that Physical Science and Political Science, and other various branches and other kindred subjects already form part of the syllabus.

38263. To the extent necessary for the promotion of agricultural and chemical research in this country?—I imagine that when a man has taken a Chemistry or Science degree in London or Cambridge he would be quite able to do it. He would have to carry on research work.

38264. Under entirely different conditions?—No doubt.

38265. You want law and language to be studied at home. Do you think language can be studied to any practical purpose out of the country in which the language is spoken?—I am convinced it is not possible to get in India a proper grounding in grammar and the structure of the vernacular languages.

38266. I am not looking at the subjects from a scholastic point of view, but from the practical utility of colloquial language?—I quite admit when the young man comes out he cannot talk, but he picks up the language much quicker.

38267. From having studied it at home?—Yes. Take candidates of European birth selected here and you will find it takes a much longer time for them to pass Departmental examinations than for Civilians to pass who have had a year or two's training at home.

38268. And you think that the existing system is quite satisfactory?—I think so.

38269. You said that there was shortage of Joint Magistrates and then their duties were deputed to be done by Assistant Collectors?—Deputy Collectors.

38270. I suppose the Assistant Collectors have the same powers?—An Assistant Collector is an officer entirely under training.

38271. (Mr. Abdur Rahim.) Do I understand that your scheme for the selection of Indians for the Civil Service is intended to be supplementary to the open competitive examination?—Yes.

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38272. Is the selection to be made at the same time or after the result of the open competitive examination in England is known?—That I think would have to be decided.

38273. I take this to be supplementary?—Yes, or rather I should put it in this way: the main entrance would continue to be by open competition in London; but all posts which have to be added to the cadre of the Civil Service in future would be recruited in India by this method.

38274. Then this method of selection is not to apply to the present cadre of the Civil Service?—Not unless for other reasons that cadre is reduced.

38275. Then this selection is to come into operation only when certain posts are added to the present cadre?—And of course to maintain the proportion of recruiting which is involved by depletion in that number of posts.

38276. You mean the elimination of certain posts in the present cadre?—Not altogether so. There are in this province altogether 54 superior posts. The strength of the cadre is 109. Certain additional posts have been asked for and the cadre will relatively, in a short time, increase to 120 or 130. There is this number to be added, the difference between 11 and 21 posts, and there is a proportion of yearly recruitment.

38277. But until this addition or increase is made to the number of posts, your system does not come into operation?—No.

38278. Then the only door open to Indians would be the competition as it exists at present in England?—And listed posts.

38279. And listed posts?—The Government have certain powers to make direct appointments; that is, to listed posts.

38280. You do not suggest that it would be possible for this Commission to decide during this inquiry what would be the increase in the number of posts for the Civil Service necessary for the administration in different provinces. You know that the problem of dividing districts is very difficult. It takes years to divide districts. It has been so in some cases?—I know that is so.

38281. One of the questions upon which we should like to have your opinion is the larger employment of Indians in the administration. In your idea it is not possible or practicable for us to make any suggestion on that point?—I am not aware whether the terms of the reference include the sufficiency of the existing cadre.

38282. Perhaps you may take it that we could not possibly decide it during this enquiry, without going into a large number of administrative questions. For instance, how many additional Magistrates are required for Bihar and Orissa or whether certain districts are not too heavy and ought not therefore to be divided into smaller districts, and the same in other provinces—these are administrative questions of great magnitude?—Quite so.

38283. And we could not possibly in this enquiry be expected to decide those questions, so that the result would be according to your idea, that we cannot lay down anything regarding the larger employment of Indians in the Indian Civil Service cadre?—May I mention to you that I have already in answer to the Chairman stated that the greatest difficulty which this Government suffers under is to give any such information as is required owing to its extreme youth. In that respect the answers we have given are unsatisfactory and incomplete; and we are afraid that the only answer we can give is that we have not sufficient material before us to go upon.

38284. Therefore, apparently, your Government's answer does not meet the point of the enquiry, so far as this subject is concerned?—No.

38285. And as regards the Selection Board, we have this suggestion made. The objection urged against the Selection Board chiefly, as I have been able to understand it, is the danger of nepotism; and in working out that matter you have, I suppose, considered the point, and I take it that you think that if you have a qualification like that of the Honours Degree as a preliminary condition and if you have a Board consisting of five officials and certain non-officials also, as you have suggested, that danger will be considerably minimised?—I should think so certainly.

38286. May I take it also that why you have suggested this method of selection in preference to the competitive examination is that by this means you would be able to give effect to other considerations which it would not be possible to do under a scheme of competition?—Yes. The answer to question (3) implicitly involve this. The candidate who undertakes a journey to England and the attendant expense and risk, may be assumed to possess qualities of determination, of courage and of self-reliance which mark him out from amongst others. In the case of the candidate who is not able to undertake that, you have not got the same means of feeling assured that he has similar qualities.

38287. I think you will agree with me that the question of the larger employment of Indians in the administration of this country—that claim could be best testified on the ground that it will make the administration better and it would strengthen the administration if you have a sufficient element of Indians; and, under your scheme, if selections are properly made, having regard only to the qualifications of candidates and the claims of different provinces and communities, that idea would be much more carried out than by any method of pure nomination?—So we think.

38288. As regards the statement in answers to questions (3) and (4) I should like to have some information. You say that for a large number of years European officers should be employed in districts where the population of Europeans is large. Can you tell me what



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you have in your mind?—At the present moment I am thinking of Manbhum.

38289. What are the figures as to population?—I am afraid I have no census figures. There is a large mining population and railway population around Adra, Jherria, and Dhanbaid.

38290. The European population is small in proportion to the population of the district?—Yes; it is, of course, small relatively; but its position makes it important and powerful.

38291. You mean that the interests involved are large?—The interests involved are very large. You are dealing with people who are in the position, every one of them, of being an employer or superior of several hundreds; and they are also people who, in many cases, are difficult to deal with. Many of them are not only not Indians, but not British. There is a large population at Tata's works, a population of 300 or 400 employées, many of whom know neither English nor any Indian language.

38292. Are there any other places like that?—That is a case by itself. But on the mining fields you find a large cosmopolitan population.

38293. Which districts are they in?—They extend to a greater part of Purulia, to Singbhum, up into Hazaribagh. There is also mining and prospecting, almost through the Uriya country and in the south districts.

38294. Two or three districts?—You may practically say the whole of Chota Nagpur and their adjoining districts.

38295. Not in Bihar proper?—Not in Bihar. Here you have an entirely different community.

38296. What is it?—You have indigo-planters and they are chiefly zamindars and large holders of renewable leases of lands under zamindars.

38297. Their position is not essentially different from that of other zamindars and tenure-holders?—From the point of view of the officer who has to deal with them, the matter presents difficulties. For instance, if there are disputes in which two parties are concerned, it is generally found that they become very formidable. The areas covered are large and the interests affected are great.

38298. The disputes amongst Indian zamindars—they assume a very large proportion too. I do not know if there are any peculiarities in these districts?—Perhaps no peculiarity; but in dealing with them there is actually a great deal of trouble.

38299. Are you able to suggest any general principle that where there are Europeans who have acquired some interest that ought to affect the consideration of the question of the employment of Indians in the administration?—I think it is very often the case that you have to look at the matter not only from the point of view of the place itself, but from that of the individual officer employed there. It is

not fair to ask an Indian officer to go there. We do not say in all cases invariably we must follow that rule. We say ordinarily that we should give all facilities for administration. In that view, the Sub-Divisional Officer in such places must be a member of the Civil Service.

38300. I am asking you whether there is not the danger of carrying that principle too far?—We must be careful.

38301. As regards the judicial training, in reply to question (56) your Government seems to approve of attendance at English courts, and taking notes of cases during their study leave. As regards that subject, we have had some very competent witnesses, in whose opinion a study of that sort will not be half so useful as telling men, who have adopted the judiciary, to attend Courts in India, or to place them in training either under the High Court or under District Judges and making them do work as Munsifs and Sub-Judges?—May I say that the principle which this Government suggests involves employing them as Munsifs and Sub-Judges for a period of approximately two years.

38302. I know that. But as regards study leave, would not that time be much more usefully utilised if the young civilians under training for the judicial service are to receive their training under the High Court or under District Judges instead of proceeding home during study leave, because it is very doubtful whether the study leave will be fully utilised?—We have no reason to believe that it would not be utilised. We have had two cases in which the officers have, at their own expense, gone there to complete their course for two years in England entirely with the view of qualifying themselves for the more efficient discharge of their duties. We have had officers enquiring whether there were any prospects of any concessions being granted to them to enable them to undertake such studies.

38303. There is another consideration in the system of judicial work here. The procedure here is different from the procedure in England. They call execution cases there technical matters; but here procedure in execution decrees, which occupies a good deal of the time of the Court, is very different from the procedure in England. For instance, we have no Sheriff here in districts and it is only in the High Court we have. I do not know whether your Government has considered this aspect of the question—whether the time spent under training there would not be more usefully utilised here?—We are acting on this matter on the opinion largely of the Calcutta High Court—individual Judges of that Court, who have been members chiefly of that service. Individual members of that Court have from time to time kindly advised us on several matters.

38304. Do I understand that this opinion of your Government is based upon the opinion of the Calcutta High Court?—I should not have said Calcutta High Court, but the individual members of that Court who have given us



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opinions on the matter. Not only this Government, but the Government of Eastern Bengal and Assam and that of Bengal have consulted a large number of the individual Judges of the High Court and our recommendations are based on what they all advised. I should also mention that this subject has been discussed for many years and we do not know what the individual views of individual Judges of the Calcutta High Court were.

38305. Supposing it was thought desirable that a certain number of District Judgeships should be thrown open to Indians, would you be opposed to their recruitment from the Bar direct?—Under the rules in force at the present time, you can make such appointments.

38306. That is very limited?—The fact is that we have had no applications so far as we know.

38307. Has any experiment been made? I do not think that any applications have been invited?—I must begin by saying that this Government can only speak with very limited experience, and so far as we are aware, there has been no application nor am I aware of any cases in Bengal where an application has been made for a District Judgeship.

38308. I think that is because there is no opening. The impression is that there is no opening in that way. Would you, on general principles, be opposed to a certain amount of recruitment from the Bar direct, so far as the Indians are concerned?—It comes again I am afraid to this, that I should have to ask what would be the calibre of the candidates.

38309. I put it to you like this. From the profession of law, Indians are in a position to supply High Court Judges, supply Munsifs, supply Government Pleaders, Public Prosecutors, Legal Remembrancers, Standing Counsel and Advocate-General. Do you think that they would not be able to supply District Judges?—I do not say that. Would a man who is good enough to be a District Judge, not wish for something better?

38310. The District Judge's position is a good position; it is only next door to the High Court and may lead to the High Court?—True.

38311. I suppose from your experience you will be able to support me that there are certain men at the Calcutta Bar who would not accept any appointments whatever, because their income is really enormous. But there are others, on the other hand, who have considerable experience of the profession, able men, who would accept the position of a District Judge?—You are referring to Calcutta; and I am not in a position from personal experience to say if men of certain experience and of sufficient standing are inside the Bar in Calcutta, and if they are it would be necessary to enquire as to how far they are acquainted with the existing conditions in the mufassal.

38312. As regards that, I may tell you one thing. Any Indian practising in Presidency towns is, quite generally speaking, perfectly familiar with the conditions of things in the

district. He either has his home there or zamindari lands or connections there. There may be some cases in which he is not familiar, but generally speaking he would be. Is it not so?—I should not like to commit myself. It would be impossible to say that, without knowing what the candidate's general experience has been. Ordinarily speaking, a successful barrister, an ambitious Indian barrister, is not anxious for anything, except the High Court Judgeship. There may be circumstances in which these appointments are desired in Calcutta, because of their amenity in other respects possibly. Putting special circumstances aside, I am doubtful whether a man, who has established himself for ten years—that is the qualifying period which is suggested for the District Judgeship—would really care for this position while he is making an income of Rs. 1,000 or Rs. 1,200 a month, and would be willing to sacrifice his prospects.

38313. However, one who is familiar with the Bar knows it?—I am not prepared to categorically say "no."

38314. We have had opinions from men in the profession, men of considerable position. As regards the districts, we have had a suggestion chiefly that you can get Public Prosecutors and Government Pleaders and men corresponding to those Government Pleaders to accept the position of District Judge—men of that position and men of very great practice?—Would that be just to the Provincial Judicial Service.

38315. Suppose a number of appointments are to be made in addition to the listed posts?—With great deference, I do not see in what respect such a person could claim to be in a position superior to that of a man in the Provincial Service. He comes from the same class and he has probably taken the same degree, and he may have been in practice when the others started in life.

38316. Would you rather have the increased number thrown open to the Provincial Service?—If there is to be an increase, as I have said, I should rather meet the increase in that respect by a system of recruitment in India, which the Government have put forward.

38317. They are a different class of men from those from whom Munsifs are selected. Munsifs are selected from a class of men who have hardly begun to acquire any practice or experience—men only of three years' standing?—That is the minimum.

38318. Then you suggest that the three years' limit as regards Munsifs should be abolished on the ground that it does not give them sufficient time to acquire enough practice?—Not quite. Those three years convey nothing. They have no practice and it merely means that for three years the intending candidate is hanging about. He does not actually practise and he does not gain the advantage of practice in early days. He is merely wasting his three years.

38319. Do you not expect some sort of certificate from the District Judge or the Judge

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before whom he has been practising, as to whether he has done any work and whether he has attended Courts very regularly or not?—I am not in a position to say what the certificates referred to are like as they go to the High Court and do not come to the Government. The tendency of a District Judge is to say that he can vouch for the fact that so and so has been attending regularly and has been devilling for some leading pleader. He might have simply taken permission to sit by him in Court.

38320. That is how a lawyer learns his business. It is some experience gained if the man has been attending Court and devilling for the senior and even if he has been sitting in the Court he would have gained some experience?—It depends how much he has been benefitted by his knowledge.

38321. I find from the rules of the departmental examinations that, so far as the vernaculars are concerned, it is only the Bengalee, the Uriya and the Hindi that find a place; but Urdu finds no place?—Urdu character has not been prescribed.

38322. It is not entirely the question of the script?—You must remember that the languages were originally prescribed a good many years back. When we came here we found that Hindi was the language that had been adopted; and it is the language of the majority of the peasantry unquestionably.

38323. But Urdu is the language of the Muhammadan population surely of this province?—Yes, of the educated Muhammadans.

38324. And is it not a language a knowledge of which it is necessary to acquire even if he has to learn the Hindi properly?—I am afraid that I should not be in a position to answer that question. It is one which is very much discussed amongst linguists. You may remember that the change to the Hindi was made very largely on the authority of Sir George Grierson.

38325. I thought it was optional whether to take Hindi or Urdu?—No.

38326. Has your present Government considered this question?—It has considered it so far as it can and it has allowed the Bengal rule to continue.

38327. An officer passing in Urdu will, I suppose, know Hindi script and will be able to master the language better than those who do not speak or write Urdu?—That is, of course, admitted. In a district like those of Tirhoot and Shahabad, Urdu alone would not serve as a medium of communication with the people.

38328. Tirhoot is only one of the divisions?—The same applies to Shahabad and Gaya.

38329. Is there any objection to making Urdu an optional subject?—That has not been considered. There would be great objection to adding to the number of compulsory subjects and these rules deal with compulsory languages and standards?

38330. There would not be that objection if it was suggested that it might be made an optional subject?—I am not in a position to answer it. It is a very thorny question, as you are aware.

38331. (*Sir Theodore Morison.*) I do not know whether you are prepared to answer any questions bearing on your answers to questions (110) and (111). You know the reasons for maintaining the artificial rate of the rupee at 1s. 6d., when considering the question of leave allowance?—It was fixed at that rate when the exchange compensation allowance was granted, the idea being that our leave allowance is only half pay and the exchange compensation allowance was granted on half pay and the same concession was extended to leave allowance, as exchange compensation gave to ordinary pay.

38332. If the exchange compensation were merged in consolidated pay, that historical reason would disappear. Is there any reason that you have in mind except the historical one?—Yes. If you merge the exchange compensation allowance in the ordinary pay, it is necessary to add proportionately to furlough pay.

38333. I quite understand it. Do you see any reason for increasing the furlough pay, rather than give it in this indirect manner. Do I understand that the present rates of furlough pay are satisfactory only on condition that one-sixth is retained?—That is what it comes to—12½ per cent.

38334. So in practice it would be better to that extent of 6½ per cent.?—I take it that my amendment is good, but it hangs by the decision as to the exchange compensation allowance.

38335. With regard to your answer to question (119) you make certain suggestions regarding recurring annuity. I understand you to say that if you were to adopt the ordinary rule of thirty-sixtieths of your salary after 25 years' service, that would work out to £1,000. The actual amount is £1,181 from which deductions have to be made for contribution. That is the calculation?—That calculation is by Mr. Kershaw. I am afraid I cannot answer the details of this question.

38336. I suppose the same answer also applies to the subsidiary question as to how this annuity value is arrived at?—Yes.

38337. One other question I should like to ask you for information. Do you recruit Sub-Deputy Collectors here direct or have you got a grade corresponding to Naib Tahsildars?—There is no grade. The Board of Revenue recommend yearly one, two or three officers, either from the service of the Court of Wards Estates or from Assessors of Income-tax, which are different non-gazetted grades, for promotion for Deputy Collectors.

38338. So they are not all recruited direct?—Seven or ten are selected yearly. Of these two or three are chosen in this way and the rest are chosen direct.

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38339. You do not recruit from a grade below that, like Naib Tahsildars?—No, there is no service of that kind. They are isolated appointments and do not form a regular service.

38340. One general question I wish to ask you. With regard to the institution of a Central Board for selecting candidates, we have had a good deal of evidence with regard to the appointment of Deputy Collectors, that the nomination of Deputy Collectors results in a good deal of undesirable touting for letters of recommendation and certificates of character. We are told that many young fellows consider it so degrading that they do not care to go round and get letters of recommendation or introduction for the nominating officers. We have heard it stated that this system has had the effect of lowering the young man's self-respect and it is an undesirable system?—I am afraid that applies too much in India to any system. Suppose you had a competitive examination limited by nomination—I have not seen unlimited competition suggested—there again the same thing will happen. Generally nominations come from district officers; they submit their nominations to the Commissioner and the Commissioner has a conference with the Collectors and makes a selection, and then this selection goes to the Government, so that a candidate will have to go to his own Collector, if he wants to secure an appointment.

38341. With reference to the Central Board to be nominated by the Imperial Government and which you recommended in answer to question (10), do you bring in the Collector there?—No, because it is rather too big a thing. I suggested in answer to the President that the applications which were considered by the Board worth considering would be sent up to the Local Government and the Local Government in that case would call upon the Collector to make a report.

38342. An alternative has been suggested and I do not know whether you can give any opinion upon that; that is, the selection should be made by the University or by the five Universities. Have you any opinion on it?—I think certain Universities might send up nominations, but I would not limit the selection exclusively to their list. At present the Calcutta University nominates to the Government every year a certain number of candidates.

38343. For Deputy Collectorships?—Yes. Similarly they might send up nominations for the Imperial Service. But I do not think it would be well to limit the selection exclusively to those nominated by them.

38344. Have you heard that these nominations, as a whole, do give satisfaction?—Those of whom I had personal experience have given very much satisfaction.

38345. Complaints have been made as to the necessity of getting recommendations. I suppose this abuse holds good in the case of the Universities?—I am afraid so.

38346. It is the same everywhere, wherever you go you have got letters of recommendation to deal with?—It is the same.

38347. (*Mr. Datta.*) You have better experience of the work of Deputy Magistrates than that of Munsifs and Sub-Judges?—Yes, certainly, except that I have myself been for a short time both a Munsif and a Sub-Judge.

38348. I believe you have better experience of the work of the Deputy Magistrate than that of a Munsif or a Sub-Judge?—Yes, certainly.

38349. The Deputy Magistrate is appointed to do the work of a Joint Magistrate. Both of them do the same work practically?—Yes.

38350. In charge of sub-divisions? Yes.

38351. Do you not think that some Deputy Magistrates do work as well as, if not better than, many Joint Magistrates?—Put in that form, certainly.

38352. Do you not think they would do equally well as District Magistrates, if appointed, in point of ability, honesty, integrity of character and impartiality?—I do not think you can predicate an absolute rule as to what men would do in circumstances which have not yet arisen.

38353. I do not say that of all, but I say that of some Deputy Magistrates, whom you consider to be able?—No doubt those are all officers who are selected to fill listed posts.

38354. Do you not think then that it is not absolutely necessary to have residence in England or to undergo a course in an English University, to become a District Magistrate?—I think it very greatly improves the probability that the officer would later on in life fulfil the duties of that appointment better, and it would probably make the difference between his making a brilliant officer and his being one who is merely able to carry out his work soundly and sensibly.

38355. If you select your Deputy Magistrate in that way, you get a tried man who has proved himself able in the work of administration?—You may also find that he has passed the best period of life and he is no longer equal to the strain of modern district administration.

38356. May I understand that it is not absolutely necessary to have residence in England or to be at an English University to become a good administrator?—There are exceptions to every rule; but I certainly think that these conditions greatly improve the future adaptability of the officers and the development of their capacity.

38357. (*Mr. Hussain.*) Will you kindly refer to your answer to question (7) about the Imperial Service. One of the reasons why you deprecate the simultaneous examinations in India and in England is that an Englishman who is free from prejudices of caste, sect or religion is more likely to be an impartial judge than an Indian who has had no European education. Do you not think that a course of

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study extending over two years which a successful candidate at the simultaneous examinations in India may be required to pass through in England would give him sufficient European education?—Not if he was not already a man of considerable force of character.

38358. As far as that principal point is concerned, namely, European education, that is one of the grounds why you deprecate the simultaneous examinations. That main ground will cease to exist if the man receives a course of education after he has passed the examination in India?—I think not.

38359. Under your system of selections you say that the candidate will be sent to England for a course of training. May I ask at whose expense?—That is already stated. He should have the passage to and fro and must have an allowance for his University training.

38360. Will he not receive his stipend?—The same allowance as is proposed to be made to the members of the Indian Civil Service.

38361. How do you explain the Maharaja Bahadur's objection on the financial grounds—that that would be one of the causes which would handicap the candidates? The Maharaja Bahadur objected among other grounds that the candidates who are selected would be handicapped. Why should they be handicapped?—I am afraid I do not quite follow that question. The Maharaja's dissent is stated here.

38362. In his note of dissent, one of the reasons given is the financial consideration of the candidate?—I am not in a position to explain the Maharaja's remarks.

38363. How were you impressed by it? This is one of the reasons upon which he objected. You already provide him with financial assistance. You make him independent financially and still the Maharaja Bahadur has objected?—Those are the Maharaja's views. I doubt whether I am at liberty to discuss the note of the Maharaja of Darbunga.

[The Chairman informed the witness that if he did not desire to express an opinion, he need not do so and the witness replied that he did not feel that he was at liberty to express any opinion about it.]

38364. You say with reference to your answers to questions about the Provincial Civil Service and the number of listed posts, that out of the number of posts listed for the Provincial Civil Service, a portion only will be reserved for the Provincial Service and the balance will be absorbed by the supplementary system which you suggest?—I say that, taking the present cadre, it should be filled by the present methods. Any additions which may be made should be filled by direct appointment in India.

38365. Kindly refer to your answer to question (128) as regards pension for holders of listed posts. You say that the maximum pension should be Rs. 6,000—"at least"?—Yes.

38366. Would you accept as fair and equitable an arrangement by which pensions should be so regulated that a man should get half the amount of his emoluments subject to a maximum of Rs. 8,000? Rs. 8,000 represents two-thirds of the pension which is ordinarily allowable to an Indian Civil Servant. If, therefore, for instance the ordinary pension of the Indian Civil Servant, after deducting the amount he secures by his own contribution, comes to ordinarily Rs. 1,000 a month or Rs. 12,000 a year, do you think that it will be fair that a member of the Provincial Service retiring from a listed post, should get Rs. 8,000, which is two-thirds of that amount?—That would require an examination of the figures. We should consider what extra charge it will involve. It would also probably require an examination as to the number of years for which the listed posts have been held. In principle, as you will see from the answers given by the Government, they are not opposed to a scheme of increased pensions. These answers were submitted without knowing what the wishes of the Provincial Services were. The Government was therefore willing to give general opinions on the questions. We will examine any suggestions which are made in the light of the charges that they would involve on the revenues of the country.

38367. The maximum you have suggested is Rs. 6,000 and you also referred to men of the Provincial Service who may rise to Commissionships and for whom you provide full pay. What about their pension?—Precisely the same question arises again. We took the existing sanctioned pension and stated that it was obviously desirable that this small concession should be made at once. What further concessions will have to be made will have to be considered in the light of the expense which they will involve.

38368. Will you refer to question (99)? You draw some comparison in your proposals regarding the time-scale of pay to the members of the Indian Civil Service, and the members of our Service. You recommend the time-scale of pay to the members of the Indian Civil Service subject, of course, to approved work. This reservation of approved work you regard as sufficient to guard against or to meet cases of idleness or incapacity in the members of the Indian Civil Service. Is not that reservation sufficient?—Yes.

38369. If it is sufficient for the members of the Indian Civil Service, should it not be sufficient for the members of the Provincial Service, that the same general reservation should apply to them, instead of limiting their time-scale of pay up to a certain grade? Your proposal is that the time-scale of pay should be applied up to a certain grade of the Provincial Service and not above that?—That has reference to the existing prospects of the two Services. "Subject to approved work" would probably be held to represent the test of promotion to District Officers, and similarly in the Provincial Service the regular line of

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promotion is drawn under the existing rules above the 5th grade. Above that, it is distinctly provided by the existing terms of the service that promotion shall be by selection. It is a question as to whether the officers who would get promotion by selection are not entitled to claim that that condition should be maintained.

38370. If they claim it, there is the reservation of "approved" service. If you say that the service is not approved, what will happen?—Excuse me. There are four officers at the top of the 5th grade and the best man is the fourth in the list and he could claim—I should not say claim—he would be entitled, under the present rules, to be—and he would be the man that would be—selected for promotion. But if you have a time-scale, he would suffer in his rise. In my opinion, my answer to your question is that the terms of the two conditions, are put down, in regard to the existing rules of the respective Services.

38371. Supposing that the time-scale of pay is not ultimately adopted—and you have also referred to it—you would propose to level up the Provincial Executive Service to the present position of the Provincial Judicial Service, as regards the number of posts on Rs. 600 and above?—Yes, in any case, the opinion of the Government is that the number of posts in the higher grades is too small, and should be so increased as to afford reasonable prospects of promotion.

38372. If it is levelled up to the position of the Provincial Judicial Service, are you aware that the promotion in the Provincial Judicial Service is now extremely slow and therefore, if you level up these two Services to the same position, the position of the Executive Provincial Service will not be materially improved?—Surely, even supposing that we take the existing number of posts and you had at the top a pay of Rs. 1,000 instead of Rs. 800, that would be a material addition. I am prepared to concede that it would not be fully meeting all the legitimate claims of the Service, but I do not see how you can say that an increase in the superior grades would not have a very marked effect.

38373. (Mr. Fisher.) Opinion has been expressed to the effect that it would be desirable that candidates after they pass the competitive examination should adopt either the Judicial or the Executive line, so that their probationary course might be shaped accordingly. Would you approve of such a suggestion?—No. I think a man discovers his fitness very often only when he is out in the country.

38374. (Mr. Chaubal.) I want to have your opinion in connection with your answer to question (37), which deals with the merging of the inferior listed posts. I will put to you the view which has been expressed in one or two provinces as regards this merging. The inferior posts which are now merged in the Provincial Civil Service cadre as such draw

higher pay than that of the highest grade of the Provincial Service?—Excuse me, not all, because the pay of the post of Joint Magistrates, second grade, and of the post of Assistant Collector is Rs. 700 and Rs. 500, both which rates of pay are already drawn by the members of the Provincial Service. Posts on Rs. 900, Rs. 600 and Rs. 500 were added.

38375. As regards the posts on Rs. 900 grade, that is Rs. 100 more than what the Provincial Service men get?—Quite so.

38376. The point of view from which some members of the Provincial Service look at this is: the merging of these posts and the reducing of their salary to two-thirds has really done nothing more than adding a few posts to the grades of Rs. 500 and Rs. 700?—That, I think, is correct.

38377. In this merging, the Provincial Service does not at present in any way feel that any of its members are occupying the posts once held by the members of the Indian Civil Service?—Yes; that is, of course, true. The posts when held by the members of the Indian Civil Service not only had higher pay, but also had special designations. It was expected, when they were transferred to the Provincial Civil Service, that they should carry two-thirds pay. I do not think that the Provincial Service can fairly or justly complain of this, so long as the principle of two-thirds pay holds. The addition of a certain number of posts to the higher grades in the Provincial Service was unquestionably a distinct benefit to the junior officers, because they all got a little promotion; but that promotion has ceased to have any effect now, owing to the large increase in the Provincial Service, and the little addition has become merged in the general rise and has been lost sight of. There are in this province half-a-dozen additional posts which the Service would not have held but for this merging. But there are 20 and 30 other posts put in for entirely different reasons. I have always regarded as the real grievance the loss of the status, rather than the loss of pay; and you will have observed that the Government are quite prepared to consider the question of giving them the status.

38378. I wish to have your opinion on this point. The headships of districts are recruited, no doubt, from the Provincial Service. What would be the objection to recruiting these headships of districts from persons holding those posts which were taken from the Civil Service cadre, and which are at present merged into the Provincial Service. That should be the training ground where these people should receive a salary higher than the highest grade in the Provincial Service and that should be the recruiting ground for the headships of districts. I will explain to you one case. In Bombay, for instance, there are three Assistant Judges' posts which should have been merged into the Judicial Provincial Service. Those gentlemen who occupy those merged posts which were not really merged in that branch of the Service

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are still called Assistant Judges and District Judges; and two District Judgeships which are listed as open to the Judicial Branch and headships of the district are available only for the men serving as Assistant Judges; and although originally these Assistant Judges were taken by selection from the Provincial Judicial Service, still they are the persons whose claims will have to be considered when the person holding the first grade Judgeship retires and then the next man succeeds him. It is one of these men that naturally gets into these places. There you see a distinct advantage which the taking away of these posts from the Civil Service cadre has given to the Provincial Service?—I think the same object is attained in this province and in Bengal by selecting those Sub-Judges, who are likely to step into such vacancies, for listed posts; and they are accordingly invested with the powers of Assistant Sessions Judge in addition to the powers which they have as Sub-Judges—Civil Judges. There are three officers so designated in the Province at present. Very much what you describe could be attained by marking down the officers in charge of the important stations, especially if they were given the title of Joint Magistrates. There is, however, one thing to be said about this. If you definitely mark out certain officers as the ones to be promoted, they may block better men, who may spring up below them. They may, when their time comes, have passed work and may not be fit for promotion. If you give them special designations or special posts and mark every one of the cases in which there is to be promotion, before the vacancy occurs, they may no longer be fit for it and then there will be a grievance to the Service and there is the

danger of disregarding the service of officers who have worked well in the Provincial Service. Promotion by selection is an extremely difficult thing to carry out; but, on the other hand, there is this advantage which the so-called merged posts have given.

38379. If headships of districts are recruited only from this portion of the Provincial Service or from these listed inferior posts, then you will be able to get for headships much younger men than you now get from the Provincial Service?—That is so; but I may say that the great difficulty about these listed posts is that if you select an officer a long way down the list, with 30 or 40 senior to him, they will have a grievance and they will feel that their long service has been disregarded by the Government.

38380. At the same time, the present complaint of men getting into the headships of the districts at an advanced age would disappear?—True, at the risk of the whole Service being discontented. It is a great disadvantage.

[The Chairman informed the witness that he would be grateful to the Government if, in course of time, they would send to the Commission an estimate of the proposals that had been made in regard to improving the pay of officers in that Province. He did not know if it would be possible to make an accurate estimate of the proposals about pensions as that would involve actuarial work; but in regard to the proposals about the time-scale of pay, in both the Services, for improved allowances on leave and transfers and other items, an estimate might be sent.]

(The witness withdrew.)

GEORGE RAINY, Esq., I.C.S., Magistrate and Collector, Champaran.

*Written answers relating to the Indian Civil Service.*

38381 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I believe a system of open competition is on the whole best suited to the needs of the Civil Service. It is far from perfect, but I do not believe that any alternative scheme would work better or so well. The present tendency to condemn competitive examinations is sometimes pressed too far. It is worth noting that for all secretariat work, and for the office side of a District Officer's work, the habit of rapid concentration on a particular subject and of concise statement of the main issues to be considered, combined with the power to dismiss a subject entirely and turn to another, are precisely the qualities needed. But the possession of such qualities is best tested in a competitive examination. For successful administration many other qualities are required. But the system assumes that if the candidates have passed through the usual English school and University training, they will on the average possess these qualities or will be capable of developing them.

38382 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—I am disposed to doubt whether the system of open competition is equally suited to "Natives of India." But I am opposed to the adoption of two different systems for admission to the Civil Service.

38383 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—I do not think the combination of the examination for the Indian and Colonial Services makes any practical difference to the Indian Service. The scale of pay being higher in the Indian Service, it very rarely happens that a candidate selects the Colonial Service by preference. The combination of the examinations for the Home and Indian Services is not, I think, of any advantage to India at present. Whatever the reasons may be, the Home Service has recently become much the more popular of the two, whereas twelve years ago, so far as I remember, it was only appointments in certain departments, such as the Colonial Office, which

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were preferred to Indian appointments. If the age of admission to the Indian Service were lowered by a year, it is possible that a few men might prefer to take the Indian Service at once rather than wait for a Home appointment. But as long as the age of admission is about the same, the two Services will compete for the same class of candidates, whether the examination is exactly the same or not. The Home Service has recently gone through a process of rapid expansion. When this process ceases, the Indian Service will probably regain some of its former popularity.

38384 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—I am not in favour of a simultaneous examination in England and in India. It might be some little time before many candidates were successful in passing in India owing to the lack of institutions which could give the necessary training. But beyond any doubt such institutions would be created, and before long the result must be a substantial increase in the number of successful Indian candidates. If this result is not anticipated by the advocates of the proposal, it is hard to see on what ground it is put forward. Now, unless the relations of India and England are to be placed on an entirely new footing, I do not think that an indefinite increase in the Indian element in the Service is a result to be desired or that it would be consistent with the principles on which the administration of India is carried on. Apart from any drastic change of policy, the Civil Service must remain preponderantly British. This result could no doubt be secured if the total number of appointments to be offered to Natives of India each year were limited to a fixed proportion of the whole. But as soon as the limit was attained and candidates began to be excluded, a new grievance would be created, which would be quite as keenly felt as any that is thought to exist at present. I should like to add:—(i) At present the Indian candidates who enter the Service by open competition in England complete their education in that country. I attach great importance to that fact both as to the fitness of the candidates themselves and as to the promotion of harmonious relations with the English members of the Service. An Indian who has completed his education in England will appreciate, and to some extent share, the English point of view. An Indian who has done all his training in India will never be in the same position, and unless the age of admission were greatly lowered it would be impossible for him to spend a sufficient time in England after passing the entrance examination. One or two years would be of little or no use. (ii) I believe that there would always be a tendency to regard those Indians who passed in India as belonging to a different class in the Service. This would be regrettable but I think inevitable. (iii) The principle on which the open competition is based is that it is intended to attract young men who have passed through the ordinary school and university curriculum of their country. Now, it would be absurd to expect that the Universities of India should rearrange their course of studies and fix the standard of examinations so

as to suit the convenience of the candidates for the Civil Service, and I understand it is admitted that the training at present given in the Indian Universities is not sufficient to give a reasonable prospect of success in the open competition. If, then, special institutions are created for the purpose of training candidates, they will inevitably tend to become cramming institutions, in which the training of character and physique will be neglected, and everything sacrificed to what will secure marks in the examination. In that case there will be no guarantee that the candidates who pass in India are a class of men really suited for government and administration. (iv) It is far from evident that Indian schools and Universities, as they at present exist, promote the training of the body and the character to anything like the same extent as the English schools and Universities. I believe that in this respect they have improved and are improving. But if I am right as to existing conditions, then the time for simultaneous examination is still far off. It will be time enough to consider it when the Indian schools and Universities can fairly claim that the training they provide for body, mind and character is fairly comparable to what exists in England. I do not mean to deny that some well-qualified men would be obtained by examination in India, but the system must provide not for exceptional men but for average men. The present system is not to be justified by the exceptional brilliance of some, nor to be condemned by the incompetence of others. It can face criticism if it produces on the whole the class of men required. In conclusion, I may say that there are other objections to simultaneous examination, but these have already been placed before the Commission and need not therefore be repeated.

38385 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend? (10). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend. In particular, do you consider it desirable that, whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?—(9 and 10.) It will be convenient to take these two questions together. I am opposed to filling a fixed proportion of the vacancies in the Civil Service cadre either by a separate examination or by a system of nomination, or of nomination *plus* examination. The failure of the former Statutory Service is an important fact. Whatever the precise method of filling the vacancies, the objections are much the same. The officers so selected would form a separate class and would never be regarded as belonging to the Civil Service in the full sense. I do not see on what principles they could be granted the same



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scale of pay as the Civil Service. But if they were placed on an inferior footing, on the one hand the end desired by the advocates of simultaneous examination would not be achieved, while on the other hand the English preponderance in the Civil Service would be weakened. Any scheme of the kind proposed seems to be of the nature of a compromise which would satisfy no one and would not tend to efficiency.

38386 (13). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system that you propose?—Under the existing system officers who become judges perform, during the early years of their service, functions exactly similar to those of the Executive Branch. After a certain period they are definitely assigned to one branch or the other, and thereafter they are confined to their judicial duties. A few appointments in each province are filled by promotion from the subordinate judiciary. The defects of this system are:—(i) Ordinarily the officers appointed to be Judges are without sufficient preliminary training in law. (ii) The choice between the executive and judicial branches is made too late, so that there is no opportunity for employing officers in subordinate judicial capacities before appointment as District Judge. Both these defects might and should be removed, and certain suggestions for that purpose have been made in the answers to other questions. I take it that practically, if the present system were abandoned, the alternative would be to recruit the judicial branch from the members of the Bar, either from the English or the Indian Bar or from both. Recruits obtained from the English Bar would have to be very junior barristers, for otherwise the attractions of service in India would not be sufficiently great to induce good men to sacrifice such prospects as they might have at the Bar in England. But if so, their legal qualifications would not be greatly if at all superior to those which many recruits obtained in the ordinary way would possess, if certain changes were made in the examinations and in the course of training. In addition to that, barristers recruited from England, if they started at once to try cases in court, would be at hopeless disadvantage from their total ignorance of the customs, habits and language of the people. It would most certainly be necessary that they should undergo a preliminary course of training for three or four years before they were entrusted with more responsible duties. I am firmly convinced that this kind of training can be best obtained in the performance of executive and revenue duties which take an officer out amongst the people in their own villages, and that it cannot be obtained by sitting in a court and trying cases. But if my view is correct, then the new system would be very much like the old, and it is not obvious what advantage would be gained. The direct appointment of members of the Indian Bar as District Judges stands on a different footing, and they would not of course be subject to all the disadvantages of a barrister coming from England. But to this proposal also there are objections. In the first place the change would clearly be undesirable unless lawyers of real distinction and eminence in their profession could be induced to accept appointments. How far this would be the case I am not competent to say. But assuming that the right men could be obtained, another question arises.

The most distinguished lawyers naturally gravitate to the High Courts and will have carried on most of their practice there. I confess to a doubt whether prolonged residence in a great city like Calcutta is not as great a bar to knowledge of sympathy with the ordinary villager as birth and education in another country. I lay emphasis on this point because my interest in the question is simply this, which class of officer is most likely to give the poor man justice? I doubt whether the present system of administering civil justice is well adapted to produce that result. I think it has been made too complicated, too slow, and too expensive. But if its direction is to lie in the hands of officers whose work has not brought them directly in touch with the villagers, of officers whose natural instinct is always to lay most stress on the legal aspect of each case that comes before them, it is to be feared that justice will be hindered and not helped. The system provides almost endless opportunities for setting right mistakes in law, but mistakes as to the facts are hard to remedy. If the District Judges were recruited from the Bar, the result to be feared is not so much that more guilty persons would escape punishment as that more innocent persons would be convicted. It is probable that the High Court would have to interfere less often on revision, but the real failures of justice occur not through mistakes in law, but through the acceptance of evidence legally unimpeachable which nevertheless may be a pure fabrication.

38387 (15). If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—I am decidedly of opinion that the age should be so fixed as to attract either candidates of the normal school-leaving age or candidates who have completed a University course. The objection to fixing any intermediate stage is that the temptation would be strong for candidates to go from school not to a University but to a crammer's establishment, and this result would be open to the gravest objections. As between the two alternatives, it is greatly preferable that the age should be fixed so as to allow time for the completion of a University course. The reason which for me is decisive is that, under existing conditions, the work of the Civil Servant requires a wider and fuller course of training than can be given by the ordinary school course *plus* a specialized training for work in India. As time goes on the need for such education as can be acquired only by a University Honours course will increase and not diminish. For reasons to be specified hereafter I would, however, reduce the existing age-limits by one year.

38388 (17). What is your opinion regarding the suitability of the recent recruits to the Indian Civil Service?—The recent recruits to the Civil Service seem to me to be suitable. I know it has been said that they are not as good as they used to be, but I think the answer to that is they never have been.



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38389 (18). What is the most suitable age at which junior civilians should arrive in India?—I am strongly of opinion that junior civilians should on no account be allowed to come out to India until they are 21 years of age. I am equally strongly of opinion that 24 years of age should ordinarily be the maximum limit and in exceptional cases 25.

38390 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well-educated young man of the period? (21). Please examine the table in Appendix I to these questions, which shows the various phases of the authorised syllabus of the open competitive examination, and state what changes, if any, are in your opinion, desirable, differentiating between the cases of candidates (a) of school-leaving age, and (b) of university-leaving age?—(20 and 21.) I think the existing subjects of examination for the open competition are generally suitable, and I accept the principle laid down by Lord Macaulay's Committee in 1854. But I would introduce three modifications:—(i) I would make Indian History a separate subject for the open competition, and would fix the scale of marks so as to make it an attractive subject. (ii) I would increase the marks for Law so as to attract a larger number of men who have read for Honours in Law. (iii) I would reduce the marks for Political Science and increase the marks for Political Economy.

38391 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—My own experience in 1898-99 was that the greater part of the year of probation was so much time wasted. It is true that many candidates after passing the open competition were really in need of the rest which the probationary period provides, but it had no other merits. The year was also useful for learning riding. But if the riding examination were held immediately after the entrance, many of the candidates, if not all, would learn beforehand. The law portion of the examination could be and was, successfully crammed in a period of about two months. Such knowledge of the vernacular as I had acquired, I found almost useless when I reached India. If I had spent that year either in acquiring a real literary knowledge of Bengalee, Hindi, or in studying law whilst attending the courts, it would have been useful. But it is no use at all to set a rather easy examination in law and languages to men who have proved that in passing examinations they are experts. Besides that, under the existing age-limits most candidates are heartily sick of passing examinations, and would like to begin work on something practical.

38392 (44). What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you?—If the existing age-limits are retained, I am almost inclined to suggest that candidates who can pass in riding should be allowed, at their option, to come out to India at once without undergoing any course of probation in England. But there is no reason why the probationer's course should not be improved. If, as I propose, the age-limits are reduced by one year, I am in favour of a compulsory course of one year with the option of extending it to two. If the existing age-limits are retained, the period of probation should not exceed one year.

38393 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved university?—I am very doubtful whether Oxford and Cambridge are the best places for spending the year of probation. So far as the study of languages is concerned they may be the best places, but as regards the study of Law very far from the best. It might be better to require the period of training to be spent at London or Dublin (or perhaps Edinburgh) so that attendance at the courts could be easily arranged.

38394 (51). Please examine the statement printed as Appendix VI, to these questions, showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you? (52). In particular, please state your opinion as to the desirability, during the period of probation of (1) compulsory attendance at Law Courts in England and reporting of cases; (2) the teaching of Indian Law in addition to the general principles of jurisprudence; (3) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (4) the teaching of (a) Indian Geography, (b) Political Economy, (c) Accounts?—(51 and 52.) It will be convenient to take these two questions together. Personally I am of opinion that (i) Colloquial knowledge of vernacular can be acquired only in India. (ii) Book or literary knowledge of the vernacular, *i.e.*, the foundation of real scholarship, can be best acquired in England. (iii) A knowledge of the principles of law can be acquired adequately by reading, *e.g.*, at a university. (iv) The application of the principles of law cannot be so learned, and the study of procedure law without practical experience of what it means is utter waste of time. I do not think much need be said about the first point. The experience of every officer must confirm it. As regards the second, the pressure on an officer's time is ordinarily now so great that it is very difficult to devote much or any energy to the study of Oriental languages without neglecting ordinary official duties. In any case if a firm grip of the literary language had been acquired at home, study in India would be immensely facilitated. The fourth point I may be pardoned for illustrating from my own experience. In 1899 I took the Civil Procedure Code for the Final examination as an

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optional subject, and devoted the last two weeks before the examination to its study. I got more than half marks in the examination. Most of it I never understood, and a month later I had forgotten all about it. Could anything be more absurd? I regard attendance at the courts and taking notes of cases as absolutely essential if the law training is to be of practical use. If the application of the principles of law and the procedure of the Courts is not learned in this way, it must be learned by trying cases in court, and as an officer learns most from his own mistakes the latter method is a little hard on the litigants. I would make (1) attendance at the law courts and reporting of cases; (2) the study of the Indian Penal Code and the Indian Evidence Act; (3) the study of grammar and of text-books in the vernacular of the province without colloquial instruction; compulsory for all candidates. I may add that the standard of literary knowledge of the vernacular to be required should be decidedly higher than at present. In addition I would make Indian History compulsory for all candidates who had not obtained a certain proportion of marks in that subject in the open competition. I do not think it necessary or desirable that Indian Geography, Political Economy, or Accounts should be made compulsory subjects, but there might be Geographical questions in the Indian History papers. Law and the vernacular being the two absolutely compulsory subjects, I would arrange the course so as to admit of specialization in one or the other. I would therefore in each subject prescribe additional papers besides those which all candidates had to take. The Law papers might be in Hindu and Muhammadan Law or in English Law at the option of the candidate. The language papers might be either advanced papers in the vernacular of his province or in Persian, Sanskrit or Arabic also at his option. All candidates should be required to take the additional papers in one subject or the other. If a candidate had already taken a high degree in law or attained high marks in law in the open competition, it would be reasonable to insist on his devoting his year of probation principally to languages. On the other hand, if a candidate had no knowledge of law, it would be reasonable to allow him to devote himself specially to that subject and to be content in his case with a lower standard of knowledge in the vernacular. The defect of the present course of training is that the candidate acquires a real knowledge of nothing, but a smattering of several subjects. It would be far better if candidates came out knowing either law or the vernacular (on its literary side) reasonably well. If my proposals were adopted, no additional optional subjects would be necessary or should be allowed. But I would permit a candidate if he chose to take the additional papers in both subjects. I was at first inclined to suggest several alternative courses for the second or optional year of probation, but on thinking the matter over I would limit it to advanced study of either the vernacular of the province or of one of the classical languages. The other subjects I had in view can be better provided for by study-leave at a later period when an officer has been definitely assigned to one branch of the Service or the other.

38395 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—The probationer's course of training should certainly be spent in England.

38396 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian Services recruited in England?—I am opposed to the proposal to start a college in India for training of probationers.

38397 (55). What is your opinion of a proposal that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—I am equally opposed to the proposal that probationers should be trained in a provincial centre.

38398 (60). Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—I am far from satisfied with the present system of training for junior Civilians in India or with the departmental examinations. To begin with, I think the examination in Accounts is absolutely useless. The knowledge necessary for passing is crammed and forgotten. I think the first year in India should be devoted almost exclusively to acquiring a colloquial knowledge of the vernacular and a reasonable acquaintance with the laws of the province in which the civilian serves. In the latter subject the use of law books containing the text of the Acts and Regulations should be freely allowed, and the examination should be devoted solely to ascertaining whether the civilian can apply the law, not whether he remembers it. An examination in memory is no sort of guarantee that a candidate will remember anything about it three months afterwards, and this is specially the case when you are dealing with examination experts. In the vernacular, the colloquial test should be much stiffer than it is at present, and the text-books I would cut out altogether. The text-books at present set are decidedly difficult, they are written in a highly Sanskritized style and the time taken up by their study positively impedes the acquisition of colloquial Hindi and in no way facilitates it. Book knowledge of that kind should be acquired in England, and it is because it is not acquired in England now that an attempt has to be made to teach it in India. The second year ought to be spent in learning the works of the various departments of the Collector's office and in learning judicial work by trying cases. It is true of course that a certain amount of knowledge would be acquired in the first year in connection with the colloquial training. It would, however, be a great gain if each civilian spent a second year at headquarters before going to a sub-division. But the needs of the administration constantly interfere with this.

38399 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of

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the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—I cannot say from experience whether there has been deterioration in the knowledge of Indian languages possessed by members of the Civil Service, but if this has not happened it is a very extraordinary fact, for all the causes at work tend to produce that result. The most important in my views are the following:—(i) The fact that much of a civilian's work, especially on the Executive side and after attaining the rank of District Officer, does not require for its performance much or any knowledge of the vernacular. (ii) The fact that a knowledge of English is now widespread among the educated classes of Indians. (iii) Social changes which it is needless to particularize. (iv) The increasing pressure of office work and correspondence. The remedies are the acquisition of a higher standard of acquaintance with the literary language in England and the insistence on a stiffer colloquial test in the departmental examinations in India.

38100 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch. In particular, do you favour a system of granting study-leave to Europe, and, if so, what course of study (course for a call to the Bar, reading in barrister's chambers or other), and what conditions do you propose?—In my answer to questions (51) and (52) I have already indicated what measures are desirable to improve the proficiency in law of the Service generally. As regards the Judicial branch I think the choice between the Executive branches might be made at a somewhat earlier period than at present, (say) after six years' service. This measure would admit of the employment of the civilians in subordinate judicial capacities before appointment as District Judges. It might be advisable to require officers who had not shown proficiency in law in the open competition, or who had not devoted special attention to law during their probation, to spend a year's study-leave in reading law in a barrister's chambers in London. And I would allow any judicial officer below a certain standing to take a year's study leave to improve his knowledge of law if he wished to do so.

38101 (71). Please add such remarks as you may desire to offer on any points relating to the system of probation and training for the Indian Civil Service which are not covered by your answers to the foregoing questions?—There is one very small point connected with the period of probation which I should like to mention. In the open competition marks are deducted for illegible handwriting. In lieu of that deduction, or in addition to it, all candidates whose handwriting does not, in the opinion of the examiners, attain a certain standard should be required to pass in typewriting. It would be no hardship and I am quite sure the candidates would never regret it.

38402 (88). To what extent are the functions of the Officers of the Executive and Judicial branches of the Indian Civil Service differentiated? Is any change desirable and, if so, in what directions?—While it may be desirable that the choice between the Judicial and Executive branches should be made somewhat earlier than at present, up to the point where the decision is made, I would have no differentiation of functions. Experience of Revenue work must necessarily be of great value to a judge, and settlement work might be mentioned as particularly useful and indeed almost indispensable. I do not in the least undervalue the need for adequate training in law, but my own experience in criminal work has been that the difficulty is usually not about the law but about the facts. Evidence may be given in Court which is unshaken in cross-examination and without a legal flaw, and yet the case be almost entirely a fabrication. In India the system provides many opportunities for setting right mistakes in law, but the injustice that may be done by an erroneous judgment as to the facts is far more difficult to remedy. The case as it is put forward in Court, even when it is substantially a true one, often differs materially from the actual facts. An officer whose experience was restricted from the first to hearing evidence in court would be at a great disadvantage, and would find it difficult to acquire the faculty of weighing the value of the evidence tendered. It is by the work done in the villages amongst the people themselves, where rough-and-ready methods can be applied, methods which nevertheless are understood and appreciated by the people, that invaluable experience can be gained for judicial work. The introduction into India, where the bulk of the people are poor and uneducated, of a system of administering justice mainly framed on English models, was a measure with far more important consequences than seems to have been realized. The defect of the English system is its expense and delay and the advantage which it gives to the longer purse. It is open to question whether a speedier, cheaper, and more summary system would not have been better adapted to the needs of the country. Be that as it may, for good or evil the choice has been made, and it is now too late to alter what has been done. But any further advance on the path of legalism is very greatly to be deprecated. Further elaboration of the rules of procedure and evidence is likely to defeat its own object by rendering it more difficult for the poor man to obtain justice. And the employment in the judicial branch of officers whose experience was confined to the courts would tend directly to an elevation of law at the expense of justice.

38403 (92). Are the present rates of pay and grading suitable? If not, what alterations do you recommend? (93). If any dissatisfaction is felt, does it relate to the pay or grading of the higher or lower posts or to both?—(92 and 93.) The rise in prices which has occurred in recent years has affected the Civil Service as well as other Services and the members of the Service as a body are of course worse off than they were twenty years ago. I think that a general improvement in the scale

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of pay, particularly in the early years of service, is called for, but this improvement should, I think, take the form of a time-scale.

38404 (95). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—If exchange compensation is abolished it should be done by a revision of the scale of pay, so that the emoluments of the Service as a whole will not be encroached. If the scale of pay were improved, exchange compensation would automatically disappear.

38405 (96). If abolition is recommended with compensation in the form of increased salaries what is your opinion regarding the grant of a similar increase of salary to those members of the Service who now draw no exchange compensation allowance?—I think that members of the Service who do not draw the allowance at present should get the benefit of the revised scale of pay; I am opposed to all differences as to conditions within the Service.

38406 (98). How is the system of officiating grade promotions where there is no change of duties, actually worked? Is the system convenient in the interests both of the Government and of the officers of the Service? Have you any recommendations to make for its alteration?—The system of officiating grade promotions, where there is no change of duties, works fairly well in practice, but is very difficult to justify in theory.

38407 (99). What is your opinion regarding the substitution for the existing graded system of promotion of a time-scale of salary? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service or not?—I am decidedly in favour of the introduction of a time-scale of pay. Under the present system the rate of pay that each man is drawing depends entirely on the number of men above him who happen to be in the Service. If a system of that kind is to work satisfactorily, it is necessary that retirements and recruitment should always proceed at an even rate. But if once the system has got out of order, if, for instance, an unusually large number of officers retire, at the same time, then for two or three years there will be over recruitment, and it is almost impossible ever to get the system to work properly again. Instead of an even flow of promotion, officers will find themselves advancing in a series of jerks with long periods of waiting between. One generation of officers gets extremely rapid promotion and the next is kept back indefinitely. It may easily happen that the officers who come out in one period draw pay ranging from Rs. 1,300 to Rs. 2,250 from their tenth to their twentieth year of service, and those who come out ten years later pay ranging from Rs. 900 to Rs. 1,800. I do not believe there is any remedy for this but a time-scale, and unless it is adopted, special measures will have to be taken every twenty-five years or so to relieve a block in promotion. The time-scale should extend to all branches of the Service up to the point where promotion is by selection and not by seniority, that is, it should include all

officers below the rank of Commissioner on the Executive side and first grade Judge on the Judicial side.

38408 (100). As an alternative do you recommend a system by which each main class of appointment would have a separate time-scale?—I do not think it is necessary to have two separate scales for—(a) Joint and Assistant Magistrates, (b) District Magistrates and Judges. But it would be necessary to have different scales for the Executive and Judicial branches.

38409 (102). If you recommend any system of time-scale of pay, please describe it, and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades, charge allowances, and other matters of importance? How do you propose to apply such time-scale in Provinces where the scale of pay of the judicial and executive branches of the Service is different?—It would be impossible to work out a detailed scheme for a time-scale without access to Secretariat papers. But the general principles can be stated.—(i) The starting point of the scale of pay should not be lower than the present initial pay *plus* exchange compensation allowance, and if an improvement in the scale of pay is decided on, it should be higher. (ii) The increments should be so fixed that the scale of pay would increase nearly evenly from the beginning to the end. At the point when officers were assigned to the executive and judicial branches the two scales would diverge. (iii) The first increment should not be drawn until the Lower Standard Departmental Examination had been passed, and the second, not until the Higher Standard had been passed. (iv) After eight years' service the fitness of each officer for promotion to the rank of Collector or District Judge should be considered, and if an officer is not considered fit for promotion, his increments should be stopped. (v) Officers considered fit for promotion would draw their increments from year to year whether actually employed as Collector or District Judge or not. (vi) Officers of under eight years' service, if appointed to act as Collectors or District Judges or in posts of equal responsibility, should draw a charge allowance subject to the limit that the total salary should not exceed the salary ordinarily to be drawn in the ninth year of service. (vii) Except in the case of first two increments and in the case of the increments after the eighth year of service, all increments should be drawn as a matter of routine, unless orders had been passed by the Local Government withholding them for definite reasons. (viii) If after twelve years' service an officer is still considered unfit for further promotion there should be power to remove him and to grant a proportionate or reduced pension.

38410 (108). Is all the furlough due to them ordinarily taken by officers of the Indian Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not what change do you suggest?—I believe that the officers of the Indian Civil Service take on the average much less furlough than is actually due to them. I am not however in favour of any restriction of the amount of furlough that may be earned. It is very desirable that the

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rules should allow a considerable margin over the average to provide for exceptional cases.

38411 (111). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable? Do you recommend any change in the alternative rates fixed in sterling and in rupees, and, if so, what change?—I think the present minimum limit of leave allowances is suitable, but the maximum limit is now too low owing to the increased cost of living and should be raised to at least £1,200 a year.

38412 (112). Have you any recommendation to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—I am in favour of a great simplification of the rules regarding special and extraordinary leave and furlough generally. Proposals for this purpose recently framed by the Government of India, will, if approved, render the rules much better.

38413 (114). In particular, are they a contributory cause of excessive transfers of officers of the Indian Civil Service, and, if so, how, can this difficulty be met?—I do not think the leave rules have much to do with the frequency of transfers. It is not the ordinary furloughs but the unforeseen cases of illness, obliging an officer to take leave whether he wants to or not, that upset the Secretariat arrangements and cause excessive transfers. This is inevitable under any system of rules.

38414 (118). Is the present system of equal annuities to all members of the Indian Civil Service generally accepted as satisfactory by the Government and by the members of the Indian Civil Service?—I am in favour of equal annuities to all members of the Service. But I think the amount of annuity requires reconsideration. I believe that the Service as a whole, taking into account the officers who die while in service or who retire before earning a pension, contribute an amount equal to half the value of the pension. If that is so, then I think the amount of the annuity should be increased. If the officers' contributions are sufficient to justify a pension of £500 a year the annuity should be raised to £1,250.

38415 (119). Would a non-contributory system of superannuation pensions, varying in amount with the amount of salary drawn at the time of retirement, be preferable in the interests either of the Government or of the members of the Indian Civil Service?—I am not in favour of a non-contributory system of pensions, because if the contributions were abolished I believe they would be spent and not saved.

38416 (124). Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?—I think that if an officer after 12 years' service is considered unfit for promotion to the rank of Collector or District Judge, there should be power to compel his retirement on a

compassionate pension of (say) three-fourths of the amount admissible, had he been invalided. The rules already provide for cases of gross misconduct or for invalidity. It is most desirable that Government should be able to deal with cases in which there is no positive misconduct and a medical certificate would not be given, and yet nevertheless the officer is clearly unfit to discharge the duties which an officer of his standing is expected to discharge.

#### Written answers relating to the Provincial Civil Service.

38417 (18). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and, if so, in what direction?—I should greatly like to see some exchange of duties between the members of the two branches of the Provincial Service. If Munsifs were employed for a year or two as Deputy Collectors and Deputy Collectors as Munsifs, the latter would know a great deal more about law than they do at present, and the former a great deal more about the people.

38418 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—I think the existing system of listed appointments open to members of the Provincial Service should be retained. I believe that the existence of these appointments is an important attraction to the Provincial Service. But the appointment should be made at an earlier age than at present. I see no reason why after (say) ten years' service the qualifications of each officer should not be examined, and the most efficient placed on a select list, after which they would be tested in subordinate positions of special difficulty or responsibility. Promotion to the listed appointments should be made from the select list entirely by the selection of the best man available without regard to relative seniority. There would always be opportunities for testing officers in acting appointments before they were confirmed.

38419 (26). What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service, or not?—I am not in favour of the adoption of a time-scale for the Provincial Service. The objection to time-scales is that an officer thinks he is sure of his increment whether he works well or not, and is consequently apt to be lethargic and careless. This objection is not of great weight in the case of the Indian Civil Service, provided a real efficiency bar is placed at the point at which promotion to the rank of Collector or District Judge takes place. I have never heard of a case of grade promotion being withheld except for reasons which would certainly have led to the stoppage of the increment under a time-scale. But the case of the

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Provincial Service is different, and the objection referred to seems to be a real one. I therefore prefer the present system of grades.

38420 (46). Are you satisfied with the existing organization of the Provincial Civil Service? If not, please state what alternative organization you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—The only point I wish to refer to in connection with the organization of the Provincial Service is its relations with the Subordinate Civil Service. At present Sub-Deputy Collectors are employed on much the same duties as Deputy Collectors though they do not, of course, fill the more responsible posts. Besides that, it is really a lottery, under the present system

of appointment, whether an officer is appointed to a service rising from a minimum of Rs. 250 to a maximum of Rs. 800 or to a service rising from a minimum of Rs. 100 to a maximum of Rs. 250. If Sub-Deputy Collectors are to be employed on the duties which they at present discharge, then the Subordinate Service should be absorbed in the Provincial Service. In that case the minimum pay might be fixed at Rs. 200 and possibly the title of Sub-Deputy Collector might be reserved for the two lowest grades. Promotion to the 3rd lowest grade and the title of Deputy Collector should not be given until an officer was certified to be fit to exercise first-class powers, and to hold charge of the various Departments of the Collector's office.

MR. G. RAINY called and examined.

38421. (Chairman.) You are Magistrate and Collector of Champaran?—Yes.

38422. Will you tell us how many years' service you have?—I have completed thirteen years' service last November.

38423. Has your experience during your service been confined to Bengal?—No. I served for four years as Assistant Magistrate and Sub-Divisional Officer in Bengal. I was then for about two years Under-Secretary in the Finance Department in Bengal; then for about 3½ years I was Under-Secretary to the Government of India in the Commerce and Industry Department. Then I was on leave for 18 months, and after I returned, I have served for about two years now as Magistrate and Collector.

38424. You are opposed to the adoption of two different systems for admissions into the Indian Civil Service?—Yes.

38425. And you think that there would always be a tendency to regard those Indians who passed in India as belonging to a different class from those who pass the examination in England?—Yes, I think so.

38426. Do you suggest by this that you are not in favour of having any steps taken in connection with the extended employment of Indians?—I think that is very much a question of fact—whether under the existing conditions we are making full use for the service of the suitable material existing in this country. I doubt very much if I am competent to give an opinion as to whether good material is being neglected; but if it is the case, then clearly I should be in favour of some measure by which increased opportunities for entering the Indian Civil Service would be given to the Natives of India.

38427. Assuming that was the case, you would be prepared to favour an increase?—Yes.

38428. I see that you do not think that an indefinite increase of the Indian element in the Service is to be desired?—Certainly. I lay stress on the word "indefinite."

38429. If an increase was found to be advisable, may I assume that you would like

to see that increase defined?—Not defined for all time. I do not believe that one could do more than decide the question for the moment. I think it has been suggested already—it was mentioned to-day also—that scholarships might be offered to candidates to enable them to go Home and to undergo the necessary training in England in order to appear at the open competitive examination in England. Well, no doubt, if any such scheme were introduced, we should have to be definite as to the number of scholarships that were to be given, and that would imply a decision as to the number of suitable candidates likely to be forthcoming. Of course, it could not be presumed that all of them would receive appointments; still you would have to come to some decision upon it.

38430. Why do you think that men recruited in India, must necessarily belong to a separate class?—I do not say that they would; but they would be treated that way.

38431. If they were admitted to the Indian Civil Service through an examination approximating to the standard of the examination in England, and if after passing the competitive examination, they were obliged to spend their probationary period at an English University, would you still say that, after they entered the Service, there would be any distinction or difference or any sign of inferiority as between them and those who enter by the English door?—The personal feeling would still exist that they were not quite the real thing. I do not defend it; but I simply regard it as an inevitable consequence.

38432. Do you base that statement on any previous experience? Was there any discrimination of that kind in regard to military officers who, in certain provinces, were absorbed into the Indian Civil Service?—I could not say. I have not come into contact with any province where military men are employed.

38433. It was a theoretical anticipation, and I take it that it is based upon the idea that you could only get equality of conditions by entrance through the same door?—I think the experience in connection with the former Statutory Service is, I do not think that that was ever regarded as being entirely on the



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same footing as the members of the Indian Civil Service.

38434. Would you say that the old Statutory Service could be regarded in any way in the same light as the scheme which forms the substance of my question to you just now?—I understand that the assumption underlying this question is that these candidates are to pass the separate examination in India, an examination closely resembling in many points the ordinary examination for the open competition. In that case, I do not see the object of prescribing a separate examination. If it is to be almost the same standard and if the subjects are to be the same, there is no object in having a separate examination.

38435. You do not think that it would be more convenient to Indians to pass the examination in India than to go to England to pass it?—It may be very much more convenient for them to do so; but I should not regard it as one of the factors that ought to influence our decision—mere convenience as regards a particular place, so far as one class of candidates are concerned.

38436. You consider that the choice between the Executive and the Judicial branches of the Service is made too late. Could you tell us what, in your opinion, would be the best time to make that choice?—I think approximately after about 6 years.

38437. You think that a 6 years' course would give the experience, which you regard as valuable to an officer taking up the Judicial line?—Yes.

38438. Have you a Public Prosecutor attached to your district?—Yes.

38439. Could you tell us what his duties and functions are?—Particularly to appear for the Crown in all Sessions cases and to appear in important cases triable by Magistrates if there are any special facts—if, for instance, the accused should engage a particularly strong Counsel on his behalf and the Court Inspector would not be adequate to prosecute the case—then the Public Prosecutor would be engaged to appear for the Crown. Those are the main parts of his duty. He is also retained in appeals when an appeal is made from the decision of the Magistrate to the Sessions Judge. There again the Public Prosecutor appears for the Crown. His other duties are in connection with his capacity as Government Pleader; and that is in regard to civil suits.

38440. Does he do much civil work?—No. In my district I do not think that there has been a single civil case in which the Government has been a party for many years.

38441. What are his emoluments?—I think his retaining fee is Rs. 50; and his fee for appearance in Court was recently raised. I think it is now Rs. 25 when he appears within the district and he gets higher rates when he goes to other districts.

38442. It has been suggested by more than one witness that the direct selection of Public Prosecutors to District and Sessions

Judgeships might be a profitable means of the recruitment from the Bar?—I have seen the work of Public Prosecutors in so few districts that I do not know if I am really competent to give an opinion. In my own district the only Civil Court is that of Munsif, and in consequence the Bar is not a strong Bar. It is decidedly a weak Bar and consequently you cannot expect to get a strong lawyer as Public Prosecutor.

38443. Can you tell us whether you find yourself overworked in your district?—I do not think I can honestly say I am in this district of Champaran.

38444. Can you generally tell us, from what you have seen during the short time that this Province has been in existence, whether the officers of the Indian Civil Service or of the Provincial Service are overburdened with work?—I think in many districts, from what I remember of those districts in previous years, it was undoubtedly the case. In the district where I was, before I came to my present district, namely, in Midnapur, I have no hesitation in saying that every single officer from the Collector downwards was overworked.

38445. In your own particular district you cannot say that you are overworked?—It happens to be a lighter district.

38446. You have an Additional District Magistrate?—No, not in Champaran.

38447. I gather you would not find any necessity for one at present?—Certainly not in Champaran. In Midnapur, where I was before, there was an Additional District Magistrate.

38448. You state some of the disadvantages which are entailed by the present system of one year's probation; and at the same time you say in answer to question (18) that 24 years of age should ordinarily be the maximum for coming out to India, and you also lay stress on the candidates having completed their University course before they appear for the examination?—Yes.

38449. You think that it is now possible to give adequate instruction in England during the probationary period and yet at the same time to maintain a higher age-limit?—I was prepared to come down one year as regards the higher age-limit. At present the age-limit is 22—24; and I wanted to come down to 22—23. The reason for that is that men are, I think, tending to come out too old as it is, even under the existing condition of one year's probation.

38450. That would bring them out at 24?—Yes.

38451. In the course of your answer to question (51) you lay great stress on a higher form of training in vernacular and in law?—Yes.

38452. How are you going to do all that satisfactorily in the course of a year's probation?—I contemplate for that reason that they would have to specialise in one or the other

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during their period of probation. It would not be possible to train them both in law and in vernacular in one year.

38453. It really comes to this: a year would not be sufficient?—I propose to supplement it in this way. One object of raising the marks for law in the open competitive examination is that you would enlist a large number of men who have taken their honours course in law, and the year of probation would enable a considerable proportion of them, not all of them, to undergo a more thorough training in the vernacular. I doubt if it is necessary that all members of the Indian Civil Service should be equally well trained both in law and in languages. It is necessary that they should be trained up to a certain point. You want specialists in some cases, but you do not want equal proficiency in all members of the Service.

38454. Do you not want a uniform standard of high proficiency in the vernacular for all recruits coming out to India?—I think not. It would be quite a reasonable thing to say that you want a certain minimum standard and that you also want a certain number of men whose knowledge of the language amounts to real scholarship and who really know the language thoroughly on its literary side. But I do not think it necessary that all the members of the Service should possess that knowledge.

38455. You would suggest that the amount of training in languages should be appreciably increased as compared with what it is at present?—Certainly. I should require of all candidates a higher standard than what is required at present, and I am quite sure that a very much higher standard can be attained in one year, than is done at present. I ought not to say "at present," because I am thinking of my own experience thirteen years ago.

38456. Your own demands for training are a strong argument against one year's probation, are they not?—I feel that it is very difficult to do justice to all the considerations affecting the problem. I think that something has got to give way. You have got to balance the various points—the proper age at which they should come out, the proper period of training, and so on. I doubt if an absolutely ideal solution is possible. I have given my own opinion as to what I think to be the best plan; but I am quite conscious that flaws can be found in it obviously.

38457. Would you lay great stress upon the importance of bringing a civilian out to India earlier than at present?—I think when he comes out at 25 it is a bit too late. In the ordinary cases 24 is old enough to come out to India.

38458. Would you like to see him come out younger than 24, assuming that other conditions could be adapted?—In some cases I should. But then you come up against other considerations on the other side again.

38459. I am merely asking you, quite apart from other problems, what you consider

to be the ideal age for a young civilian to begin his service in India?—I should say between 22 and 23.

38460. In answer to question (60) you say that you are not satisfied with the scheme of training that is provided for a civilian during the first year of his arrival in India?—Yes.

38461. You go on to say that, if it were possible, to enable him to acquire a grasp of the administrative work, the period should be increased to two years?—Yes. I think it is important that they should be under training for a period of two years before they are posted to Sub-divisions.

38462. You would like to see him working at head-quarters during the second year?—Yes.

38463. What kind of work would you like to see him doing during that period of training?—He should hold charge in succession of the Revenue Department and of the Collector's office. I know from my own experience how much one loses by not going through that training.

38464. He has none of that training now?—He holds subordinate charge of one or two departments. I think it is becoming more and more difficult with the Departmental examinations, as they are conducted at present. I think that a young officer should master the Revenue procedure before going to a Sub-division. In my own case, I went as Under-Secretary, and when I first joined the Collector of a heavy district I had to learn the A. B. C. of the procedure; but all that should have been learnt years before.

38465. You had really to go through that training after you had entered upon your office and I suppose to a certain extent to the detriment of the Service?—I should think undoubtedly; and it increases the burden of work. For the first six months I had to verify every detail in the department which I ought to have known, as a matter of course.

38466. So that it comes to this: in your opinion the year spent in this country under training in specific work is not sufficient?—I think it is not sufficient.

38467. Would you like to see it increased to two years?—I think so, the second year being devoted largely to a study of the actual work to be done, first taking up one Department and then another. It would be—I felt when I came out—a good thing to begin to get at something practical instead of thinking of examinations.

38468. What I really should like to get from you is what would be the difference between what you suggest as the training to be undergone at head-quarters and the work a young Civilian has to go through actually in his second year, that is, the first year that he comes into active service?—At present usually he is sent to a Sub-division in the second year, and in a Sub-division in this province his work is mainly criminal in trying cases. Then it varies after that sometimes. After an officer



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has been for some time in the Sub-division, he is posted as a Joint Magistrate to a head-quarter station. It happened in my case that the first time when I acted as Collector, I had never acted as Joint Magistrate of the head-quarter station, and I joined the Collectorate without having an adequate knowledge of the details of the work.

38469. Supposing that he carried out the work which is suggested at head-quarters, which is rather more than clerical work in the office, would he not be postponing his preliminary magisterial work to the third year instead of to the second?—Yes; but he would be doing a certain amount of criminal work at head-quarters. His time would be divided between revenue work and criminal work. Certain departments of work such as land acquisition and partition would take him into villages amongst people; and if there were Government estates in the district, that would be a particularly suitable Department in which he would learn a great deal.

38470. By improved allocation of work, without detriment to the administration of the country, he might be a great deal better trained than he is at present?—I think so.

38471. You are in favour of a time-scale which you would extend up to the rank of a Commissioner?—To all ranks below the Commissioner and the first grade Judge.

38472. What objection do you see to the proposal that is made to us for two time-scales, one for Assistant Collectors and the other for District Officers and Judges holding superior posts, with selection operating between?—It comes to very much the same as what I proposed. You must have a clear line of distinction between the Collector and Judge on the one hand and the Assistants and Joint Magistrates on the other. That is what I have called the efficiency bar. The idea is borrowed from the British Post Office and we have introduced it into the Indian Telegraph Department. What is meant is, that when a man has completed a certain number of years' service his claims to further promotion are definitely to be decided. If he is considered to be unfit for further promotion to the rank of the Collector or Judge, then the increment pay is to be definitely stopped; and until he is considered suitable for promotion, he would not get his increment.

38473. That practically coincides with my question?—It is practically the same thing. I do not think that there is any real distinction.

38474. You are, I see, against any restriction on the amount of furlough extending to two years?—I am against any restriction under the rules.

38475. Do you know many instances of officers taking furlough for so long a period as that?—I have known cases of officers who had bad health and when they had completed 25 years' total service they had not completed 21 years' actual service and therefore they had to serve another year or two. There have been cases of that kind. It would be of great ad-

vantage to have the rules on that point liberally worded, without having to make special applications to the Government of India or the Secretary of State. You should provide for really difficult and necessary cases.

38476. Do you not think that in the interests of good administration, leave for a period of two years should be very exceptional?—I think the Local Government should have the absolute power to say whether they are prepared to spare an officer for more than a certain period. The Local Government should have power to refuse to grant him leave on the ground that they could not afford to spare more than a certain number of officers to be on leave, or they might say that they could let him go only for such and such time, he must go either without leave or take short leave.

38477. In answer to question (119) you say that you are opposed to the abolition of the 4 per cent. deduction. You say: "I believe they (the contributions) would be spent and not saved." You have seen probably the suggestions that have been made that this 4 per cent. contribution should be withdrawn and should be allocated to a Provident Fund. What would be your opinion on that point?—Without any reduction in the pension?

38478. That proposal has also been made. I would ask you whether you would favour the proposal that the 4 per cent. deduction should be allocated to another fund, which could be used as capital or which would enable an officer or his family to purchase an annuity, and that a certain reduction should be made in the pension?—If that were done and at the same time the existing full annuity of £1,000 were given, I should certainly be in favour of it. But if the annuity were to be reduced at the same time, I am in doubt as to what I should say. I think it would be a great advantage if a definite account could be given of a Civilian's contributions towards his pension. We really do not know what it amounts to. We believe in certain things, but we really do not know how much the Service as a whole pays towards these pensions. I think it is desirable that we should know it.

38479. Generally speaking, you lay stress upon the importance of the prospect of a pension of £1,000?—I think so undoubtedly. I think it is a great attraction to the Service. It would affect recruitment, if it were reduced.

38480. If it can be shown actuarially that a reduction in certain circumstances would be favourable, would you consider it?—I am quite prepared to consider it, but I do not think that I could give an opinion on it now.

38481. As regards listed posts, you are for promoting junior officers of the Provincial Civil Service to listed posts. What inducement will you then give to older men in the Service?—I am afraid that the choice lies between two alternatives: either promoting men after they have ceased to be fit for promotion or promoting junior men, in which case you will undoubtedly produce a feeling of discontent in all the people who have been passed over. There are defects in both cases.

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38482. Would you say that the promotion of young men over the heads of several men in the Service would in the end create more dissatisfaction and more discontent than the promotion of men late in life?—I should imagine it would; but, on the other hand, I think on the whole I am rather in favour of promoting the younger men.

38483. From the point of view of administration?—I think so.

38484. But I ask you from the point of view of contentment among the rank and file?—I am sure there would be more discontentment if junior men were promoted.

38485. That would create a serious problem?—That would be a serious problem.

38486. You disapprove of a time-scale in the Provincial Service. Why should not a time-scale be given to the Provincial Civil Service, if it is given to the Indian Civil Service?—I have always been under the impression that it was a thing of common occurrence that promotion from one grade to another was withheld in the case of Deputy Collectors. I think you put some questions to Mr. LeMesurier about that to-day and I rather gathered from his answers that this holding back promotions was a great deal less frequent than I had supposed. If that is the case, my objection to the time-scale would largely disappear.

38487. I believe I was told that there was only one case?—It was something very small; I did not catch the number.

38488. If the ground of your objection should disappear, would you favour a time-scale for the Provincial Service on somewhat similar lines to that which you are discussing for the Indian Civil Service?—Yes.

38489. I notice that in your answer to question (18) you make a proposal that there should be an interchange between Deputy Collectors and Munsifs. Would not that lead to a certain amount of confusion, and does it not traverse the tendency to segregate cadres, which is going on in the country?—It is a just proposal. The tendency is to go too far.

38490. It is in view of that that you make the suggestion?—It would be a good thing if a Deputy Collector knew a great deal more about law than he does at present. If he served in the Judicial branch for a couple of years, he would gain decidedly in his knowledge of law. The same is the case with the Judicial Officer, who would gain a good deal by knowing the executive side, if he is a Deputy Collector for some time.

38491. Your suggestion is to take effect during training and that would be at the cost of efficiency of the administration of the country?—I do not think so. I think you will have to do it at a pretty early stage in the service. When their minds are made up one way or the other, it would become much more difficult to persuade them to take to this change.

38492. There is one more question that I should like to ask you and that is in regard to the proposal for bringing Sub-Deputy Collectors

into the Provincial Service. What is your opinion on that?—I am in favour of it. I am for having only one Service.

38493. You would give them the same pay and the same status?—That would have to be considered. I am not absolutely prepared to say that the minimum might not be lower than the existing minimum for the Deputy Collector's grade. What we are really doing just now in the case of Sub-Deputy Collectors is that we are practically treating them as a cheap kind of Deputy Collector. I do not think that is satisfactory.

38494. You realise that the Sub-Deputy Collector, as far as one can gather, corresponds with the Tahsildar in other provinces, who is not a member of the Provincial Service in those provinces?—It was intended, when it was designed originally, that he should correspond to that. As a matter of fact, we are really using him for Deputy Collector's work. There is the work and it has to be done, and these are the men suitable for doing that work. There is no real distinction between the duties of Sub-Deputy Collectors and Deputy Collectors, and they ought to be on one scale and bear the same name.

38495. I understand from the evidence which we have heard that these Sub-Deputy Collectors have till now had rapid promotion?—I understand that there is a great deal of promotion from Sub-Deputy Collectors to Deputy Collectors. Mr. LeMesurier was saying that, at the time of selection, both may be classed under one head and one of them starts on Rs. 250 and the other on Rs. 100 and the latter is promoted to Rs. 250 in about 6 or 7 years. The difference between the two as regards qualifications is not sufficient to justify such a wide gap.

38496. Perhaps both of them have taken the same degree, but one has not got so high a place in the list as the other?—You might get cases like that even at the competitive examination. One man might be behind the other by only one mark and that would make a great deal of difference but the candidate can always put it down to bad luck. But when the thing is done by selection and when two are of the same educational qualifications, the one who is selected as Sub-Deputy Collector feels a definite grievance, against the Government which did not select him along with the other, as Deputy Collector.

(Adjourned for a short time.)

38497. (Sir Theodore Morison.) I should like you to give me a little more information as to this optional second year that you propose in answer to question (43)?—I find difficulty in considering the details. I believe under the old system, when they came out at an earlier age, the third year was optional.

38498. If they took a degree?—At that time there was a compulsory two years probation and an optional third year.

38499. That was for taking a degree, was it not?—I think so. Very often for instance they took a degree in Oriental languages. I

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am under the impression that Mr. Beatson Bell took a third year and a degree in Sanskrit.

38500. What inducements would there be for a man to take a second year? I should think it would be a disadvantage in many ways, as he would start later in the Service and would not have any larger pay?—I think the arrangement under the old system was that after a man had passed the departmental examination he resumed his old place in the list. That is so arranged in the Civil List now; you can find in the list cases of people who came out a year later than others but have resumed their old places in order of seniority. I think that could be arranged for.

38501. Then you say, what I have no doubt is true, as I have heard it from the Civil Service Commissioners at home, that the men are heartily sick of examinations by that time?—Yes.

38502. That I suppose has to be taken into account, because they would be probably unwilling to take a second year for that reason?—I think you would have to adjust that by the remuneration you offer for the second year. You would have to have a certain rate of remuneration, and you might find it was not enough and have to increase it, or you might find it was too liberal and have to reduce it.

38503. This weariness of examinations seems to me to make a real difficulty in a probationary period in the University?—I admit that it does.

38504. You explained to the Chairman a good many other reasons for the difficulties which exist at this later age, and you said that on the balance, however, you would still go for a University education?—That is my view.

38505. You have hitherto built up the case against the University and I should like now to have a little more information on the subject. You say that owing to the growing questions of administration, etc., the Universities Honours Course will become more and more a necessity in future?—I took the Greats Course at Oxford.

38506. And that is the course that is most in danger by the increase of one year?—That is so. As a matter of fact it would not have mattered in my case, because I read for the Greats and then read the history school after Greats before I went up for the Civil Service. I went up to Oxford at eighteen and had done five years there before I went up for the examination, so that I have really had more examinations than the ordinary man. In my last year I spent 28½ days of the year in doing examinations, and at the end of that I was written dry.

38507. In spite of that you think that the additional year at the University is good?—I think that the University Course is of great importance for the kind of work that has to be done in India nowadays. Certainly what I learned when I was reading in the Greats school at Oxford I have found of immense value since. I think that as a matter of mental train-

ing to enable you to turn your hand to whatever kind of work you may be put on to it is an extraordinarily valuable training. Also the general life of the College and the University, as expressed in the College Societies, the Debating Society for instance, I have found of very great use in all sorts of unexpected ways.

38508. I quite recognise that, but in the first place is that essential to the University? Would it not happen that if you get from two to three hundred young men together anywhere you will have that development, intellect rubbing against intellect, one mind against another?—Undoubtedly you would have it to a certain extent, but as things go on and as Indian problems become less and less peculiarly Indian problems and more and more associated with problems emerging all over the world, I think the University training becomes of more and more importance.

38509. I do not know whether it was equally true in your time in the University, but we have had a good deal of evidence to the effect that the Universities nowadays are not places where it is very advantageous for young Englishmen who are coming out to India to go, because there is rather a strong racial prejudice against Indians at the Universities, which tends to prejudice them?—I do not think in my time there was much prejudice, and as to what has happened since I know nothing at first hand at all. I have heard of things, but I have no means of knowing personally.

38510. If there is nothing positive against the University, is there anything positive in what it does in creating in a man any enthusiasm for India, directing his mind specially to Indian problems and giving him an enthusiasm for the work?—No; I cannot say that the ordinary University Honours Course does create any special enthusiasm for Indian things.

38511. I do not mean the Honours Course only; I mean the life of the University. One of the uses to which a period of probation might be put would be to create in the young Englishman, especially the young civilian, an enthusiasm for his future work, a sense of his high calling, and to direct his mind especially to Indian things?—That is one of the advantages claimed for the special institution, which of course would be a probationary course as against the University. If your probationary course can provide that I should have nothing to say, but your probationary course is to be spent in London, I understand.

38512. I admit that by a special institution in which for two or three years your attention was confined to Indian subjects a man might have created in him a greater enthusiasm and interest for Indian things. That I think clearly must be so. But that again would have to be balanced against the other. I quite agree it is a question of balancing; it is a case of probation balanced against education at a University. You would secure them young and hope they would not be so sick of examinations?—I hope they would not.

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38513. With regard to a knowledge of the vernacular, do you find as a matter of fact that civilians read at all current vernacular literature?—I do not think so. Some do, but it is very far from being general; in fact it is very infrequent.

38514. It would be a laborious process?—That is the case I think with a great number of us.

38515. You have spoken strongly against the use of text-books or indeed books at all. What you want them to do is to have a colloquial knowledge?—I understand that they wish to prescribe text-books which were written in the spoken dialect, and if such text-books can be found I have not the least objection to them, but I have the strongest objection to the existing text-books.

38516. The fault is rather in the selection of the text-books than in the system?—I think so.

38517. Did you ever look at the school readers?—I have seen them occasionally when I have been inspecting schools in the villages. When one visits a village one pays a visit to the school and sees what they are, and I have seen the books there.

38518. Are they highly specialised?—I do not think they are.

38519. They are written in the ordinary sort of words that a civilian uses?—A great many of them would be.

38520. (Mr. Abdur Rahim.) With regard to Public Prosecutors, you said that they received a certain retainer of Rs. 50 a month. Is that for the purpose of preventing them from accepting fees against the Government?—I imagine so.

38521. Then they get a certain daily fee for conducting Government cases, whether Civil or Criminal?—Yes.

38522. That of course is also in addition to their private practice?—Yes.

38523. And as a rule the Public Prosecutor is a Government Pleader also?—Yes, that is the usual arrangement.

38524. And those who are appointed Government Pleaders or Public Prosecutors are generally men who have a leading practice in the district, are they not?—I should imagine that was so, but I have not been in enough districts to be able to say from my own knowledge. I am quite willing to take it from you.

38525. That has been my experience, that the best man almost always is appointed by the Government as Government Pleader and Public Prosecutor, a man of considerable experience who has attained a very large practice in the district. With regard to their duties, they not only conduct the prosecution in Criminal cases, but they also conduct Civil cases for the Secretary of State?—Yes.

38526. They also advise the Magistrate in what cases there should be an appeal or not?—They undoubtedly advise the Magistrates about questions of that sort.

38527. Criminal as well as Civil cases?—Yes, whether the evidence is sufficient to justify a prosecution or whether a suit ought to be defended, and so on.

38528. And also whether in certain cases there ought to be an appeal from the decision or not, Civil as well as Criminal?—That is so.

38529. If there is a wrong acquittal, for instance, the Magistrate before he appeals takes the opinion of the Public Prosecutor.—Very often.

38530. That is the ordinary procedure?—I have gone up to the Legal Remembrancer without consulting the Government Pleader on certain occasions, but ordinarily he would be consulted.

38531. I do not know whether you are familiar with the Legal Remembrancer's work?—No, I cannot speak from first-hand knowledge.

38532. The Government Pleader would have considerable experience, as he is a first-class lawyer in the District?—Very often he would be.

38533. Supposing such persons could be induced to accept District Judgeships, what would be the objection? If a certain number of District Judgeships were recruited from the Bar and men of that stamp were available would you object?—I do not see any objection in principle to the recruitment of a proportion of the District and Sessions Judges from that class of men. You would have to consider, however, whether it would not be a better arrangement to increase the number of listed appointments, whether you would not by increasing the number of listed appointments render the Subordinate Judicial Service more attractive and thereby raise the whole standard of that Service simultaneously.

38534. As regards listed appointments, at present the difficulty is that men who are appointed as Munsifs are generally men who have not had much experience at the Bar. They have not had an opportunity to make their mark in the profession. Some turn out well and some do not turn out so well. Therefore when it comes to a question of making appointments from the ranks of the Subordinate Judges who are promoted Munsifs, they are generally very old, and we have had evidence in Bengal that they are practically men on extension or men close on their 55th year?—That is very often so.

38535. You do not expect that a man of that age should be able to cope with the duties of a District and Sessions Judge. He has had no experience of Criminal work, and in many cases he is too old to be in charge of the administration of a district. That is a defect in the system, is it not?—Yes.

38536. If a certain number could be recruited direct from the profession, all that could be avoided. That would be the advantage. I do not think there is any considerable evidence to suggest that listed posts should be abolished altogether or should be reduced, because that would have a bad effect on the Judicial Service?—I think so.

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38537. You have heard of the separation of the Executive and the Judicial functions?—Yes.

38538. I see that in your answer to question (88), you have understood the Judicial Branch of the Indian Civil Service to mean only the Civil Judicial Branch?—Yes.

38539. I suppose the Magistrates are Judicial officers, are they not?—I am afraid I understood the question to mean the Executive and Judicial Branches as they now exist, but I did not understand that it was the general question of separation that was raised, although I noticed that other witnesses had raised it.

38540. The question of the separation of the two functions rises in this way. The Collector is the head of the District and the head of the Police and other Branches of administration, and also the head of the Magistracy, and the question is whether it is not desirable to relieve him of his duties as head of the Magistracy?—I understand the general outline of the proposals, but I am not personally in favour of them.

38541. Have you any opinion at all on the point?—I am not in favour of it.

38542. What is your principal objection?—I think in my written answers I have really indicated one of my principal objections, and that is, that I have the very gravest doubts as to whether the whole legal system that we have set up in India does really work in justice or not.

38543. Supposing we are not in a position to change the entire system of administration here and that the Service has to exist and we have to make the best of the system, what would be your objection then?—I think that I should say that any further advance in the direction of legalising the system is to be deprecated. I think we have gone quite far enough.

38544. It is really with reference to that that I asked you the question. It comes to this, that under this combined system there is what you call a rough-and-ready method of doing justice as apart from legalism?—I do not remember having spoken of it as a rough-and-ready method.

38545. You say it is a rough-and-ready method?—That is intended to refer to Revenue work, not Criminal work by any manner of means.

38546. Magistrate have to administer the Criminal Code and the Criminal Procedure Code?—Yes.

38547. And they cannot travel beyond it?—I fully admit that.

38548. If a Magistrate performs his duty according to law why should his work be supervised by an Executive officer and not by a Judicial officer?—With regard to the question of supervision, I should say that, if there is a guarantee of adequate supervision by the District Judge, a large part of the objections would be removed. I cannot speak with authority, but my impression is that the Subordinate Civil Courts are very far from being adequately supervised at present.

38549. Supposing that a District Judge could adequately supervise, you would admit that he would be competent to supervise the work of the Magistrates? Appeals lie to him; he holds the session, and he has the highest criminal jurisdiction in the district?—Clearly he is competent.

38550. As competent, if not more competent, than the District Magistrate, you would say?—Yes.

38551. Then in that case there would be no objection to placing the Subordinate Magistrate under the District Judge?—I do not think there would be any objection provided that my difficulties as to supervision were removed.

38552. You know as a matter of fact there is a considerable body of Indian public opinion very strongly in favour of the separation of the two functions. We read constant complaints, for instance, in the newspapers?—I admit that the newspapers very frequently refer to the subject on those lines.

38553. And the members of the legal profession hold very strong opinions regarding that?—I do not know.

38554. Can you suggest any other objections in addition to those you have already given us?—Perhaps I might put it in this way, that if the system of administering civil justice were so modified that a great many of the petty Civil cases were disposed of in a very summary manner locally in the villages by the Munsifs and Subordinate Judges, so that they were in a position in the course of their work to acquire a knowledge of the manner in which things actually do occur in villages, then I think there would be very much less objection to entrusting the administration of Civil and Criminal justice to the same class of officers.

38555. You suggest in your print that Munsifs do not know the people?—I do not think I used those words. I said that if they exchanged the duties with the Executive branch they would know a great deal more about the people. You will find it in the last sentence of my answer to question (18).

38556. What is your basis for suggesting that Munsifs know less about the people than Deputy Collectors?—I take it they start on the same basis to begin with, but the Deputy Collector's work enables him to come into much closer contact with the people. My feeling is that the evidence you get in Court sometimes is absolutely distinct from the facts, and very often has only a very slender relation to the facts. If your work for the most part consists of hearing such evidence, and that is continued year after year, it must produce a frame of mind which really cuts you off from access to what is actually going on.

38557. Supposing that a Judge, according to the law, must confine himself to the evidence given in Court, and is not entitled to travel beyond that evidence, even if he has any information outside it, must he not put all outside knowledge aside and apply his mind to the evidence given in Court and act upon that

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evidence? If that is the Law, then I take it your objection would disappear?—My feeling about it would be that in trying Criminal cases as regards conviction I am absolutely bound by the evidence, but as regards the acquittal I am not.

38558. Is that so?—Certainly: I should be prepared to take the responsibility in any case in which I had a real doubt even though I could not justify it on the evidence. I should absolutely refuse to take the responsibility of convicting.

38559. If you had a real doubt that the evidence was not true you would be quite right; that is the Law?—Quite so, but in order to form a correct opinion as to the value of the evidence tendered in Court a very great deal of experience out of Court is necessary.

38560. To appraise evidence undoubtedly; but you cannot act upon any information outside the evidence given in Court on oath?—I have explained my own view as clearly as I can.

38561. Your objection, and I daresay there is a great deal in what you say, is against the whole system of administration, but taking the system as it exists that objection has no force?—I am afraid what I should say in answer to that is that if a system is bad that is no reason for making it worse.

38562. You do not make it worse; you only faithfully follow the system?—In this world I do not think we are able to press home things to their logical conclusions, and having started on a bad system that is no reason why we should insist on having the worst possible results from it.

38563. Does it not come to this, that while you profess to administer the system you do not do it as a matter of fact?—I do not think that is a fair representation of my views.

38564. In your answer to question (7) you object to fixing any proportion, and your objection it seems to me is that if any proportion was fixed then the Indian would have an increased proportion. Supposing the proportion was fixed with reference to the requirement of the present day, and was to last for a reasonable number of years, say twenty to twenty-five, and then the question of increasing or reducing that proportion had to be considered afterwards, what objection would there be to acting on that basis?—I certainly think I should object to an absolute limitation of the number of appointments open either to Indians or to Europeans.

38565. But supposing the limitation was not absolute, but for a certain time, until circumstances required a change?—I mean absolute in that sense of laying down a fixed number of appointments as reserved for one class or the other.

38566. Minimum or maximum?—If you lay down a minimum for one class that becomes a maximum for the other. You do the two things simultaneously.

38567. You would leave matters in a state of absolute uncertainty?—I think I should

leave the open competition to be carried on as at present.

38568. In that case do not you think the Indians would be entitled to ask that equal opportunities should be given to them by holding the examination in India?—I do not think they are entitled to ask that.

38569. Why should an examination be held in London, so far away from India to their disadvantage and to the advantage of English candidates?—I think one must begin in the first place by defining the qualities which are considered necessary to be possessed on the average by candidates for the Indian Civil Service.

38570. There have been cases in which an Indian after a year's training in England has passed into the Civil Service. You would not suggest that one year changes the entire character?—What I feel is, that having fixed the system which on the average gives you a class of officer you want, you are not bound in any way to say that every officer you get under that system will be the kind of man you require. I think I have said in my evidence that a system is not justified by the exceptionally brilliant men nor is it to be condemned by the incompetent men.

38571. I believe the fact is that most of the Indians who have got in have not been in England for more than two years before they appeared for the open competition?—I cannot possibly say, as I have no information on that.

38572. (*Mr. Madge.*) With regard to your answers to questions (1) and (3), either from defect of insight on my part or some omission of definition on your part, I have not got at the real inwardness of your opinion of this competitive system. Would it be unjust to you to say that you regard the competitive system as a sort of Procrustes bed in which all candidates have to be laid, and you have to trust to Providence for the results afterwards?—I do not think I wish to put my opinion in that form. On the whole, the class of candidates who come forward for the open competition are persons who are suitable for employment in the Indian Civil Service. There are more candidates than there are vacancies and you have to settle somehow which of these candidates are to obtain the vacancies, and I believe the best way of doing that is by open competition. It is not ideal, but the moment you get to a state of affairs when you cannot say that a great majority of candidates coming forward are suitable, then the system of competitive examination breaks down. The necessary basis of it is that of the men who are likely to pass the great majority are in other respects suitable.

38573. Do you think that the existing system tests all the qualities, character and others, that are needed for ruling in this country?—I do not think an open competitive examination can test a great many of the qualities required.

38574. Then a great deal is taken on trust?—I think it is undoubtedly taken on trust;

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and you can only judge by experience whether your trust is justified.

38575. That is almost coming back to my first definition. In your answers to questions (43) and (51) you say: "My own experience in 1898 and 1899 was that the greater part of the year of probation was so much time wasted," and you say the study of procedure of Law without practical experience of what it means is an utter waste of time. Do you think it is better to get to actual work in India and learn from experience?—You must learn a great deal from experience, but I quite admit it is rather hard on the litigants if you are going to learn the whole of your work from experience. If it cannot be learned from the reading of books there remain only two possible ways. The first is to try to do it yourself, and the other is to see a Judge actually doing it in Court, and it is for that reason I consider attendance at the Courts is so important, because at any rate one would learn to avoid more obvious mistakes.

38576. Balancing what you consider an actual waste of time in probation at home against learning by experience here, which do you think benefits the responsible officer most?—If the year of probation was to continue on its present lines I should say, rather than that, abolish it altogether, and bring the man out at once. He is not doing any good at all during that year.

38577. In answer to question (15) you say you are decidedly of opinion that the age should be so fixed as to attract either candidates of the normal school-leaving age or candidates who have completed a University course; but those are two opposite poles of the question, are they not?—What I wished to do was first of all to eliminate, as being the worst of all possible courses, the intermediate stage: and in the second place to express my own preference for the end of a University course over the end of a school course.

38578. Does it enter into your mind that in the latter case character is better developed than in the earlier age, and that the man is therefore more competent for responsible office?—He certainly is more mature. He is at a later stage in his development and his character must be more formed at the end of his University course than at the end of a school course. If you fix the entrance age as the end of a school course you would no doubt have a longer period of probation, so that the difference in age at the time the man actually came out would not be so great.

38579. Some witnesses think that a man by coming out early in life, at a more impressionable age, takes in Indian conditions and conforms to them better than an older man. The opinion you have just expressed is that a man's character, developed at home, is developed under better conditions when he comes out here. Taking all the facts into consideration, which of the two would you really prefer?—On the whole I prefer the latter.

38580. With regard to the knowledge of the vernacular, can you acquire it to any useful purpose out of this country?—A literary knowledge certainly.

38581. A useful knowledge?—Do you imply that a literary knowledge is of no value?

38582. It may be. I mean if it is purely scholastic. I have mentioned before the case of a civilian who read out a document to a ryot in a serious way and was told by the ryot that he did not understand English?—That is a kind of experience that has happened to all of us at some stage; but if by useful knowledge you mean a colloquial knowledge then beyond question it must be acquired in this country.

38583. I see you do not attach much importance to residential Universities as such. Are you prepared to go so far as to regard a reverence for that as a sort of fetish? Do you not attach importance to a residential University, as contrasted say with the Scotch Universities, which are not residential?—It all depends whether your candidates have, before their period of probation, already gone through a University course. If they have already gone through a full University course I am very doubtful whether they can obtain very much more good out of the University. My year of probation at Oxford was my sixth consecutive year at the University and I did not enjoy it very much. All my contemporaries had gone away, and I did not learn anything particularly, and I am very doubtful whether men who have already gone through the full University course ought to stay on for another year.

38584. But whether they have or not, do you think the reverence usually expressed for residential Universities as a means of gathering tone and all that sort of thing is or is not a mere fetish?—I think for the development of character the residential University ought to be preferred on the whole.

38585. You do not think that the Scotch Universities turn out quite as good men in every respect as Oxford or Cambridge for the Civil Service?—I do not know very many men who have come direct from the Scotch University. The only ones I can think of have been to Oxford for a couple of years after taking their degrees at Edinburgh. I do not think I can express an opinion about that.

38586. In answer to question (88) you refer to the Executive officer moving about among the villagers, and resorting to rough-and-ready methods of setting wrongs right as I take it. Have you come across instances in which this sort of Executive procedure within the limits of the Law, exercising personal influence, have prevented litigation?—Undoubtedly.

38587. You have also remarked that although you are bound to carry out the Law you think we have gone along rather fast in substituting the reign of Law for the old system?—I think so.

38588. And although you cannot override the Law, you feel bound as far as possible,



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by personal influence, to withstand any evils arising out of the existing system?—I think so; and I think legitimate opportunities undoubtedly ought to be taken.

38589. Opportunities do occur?—Yes, sometimes, but it all depends on how the question arises. Once the question has been brought before one as a Magistrate one has to treat it as a Magistrate. But very often one can get hold of the matter before it reaches that stage and act freely.

38590. Within the last few years has false litigation or perjury increased in this country?—I am sure I could not say.

38591. As regards the distinction between the inferior and superior branches of the Civil Service where the eight years limit is supposed to divide them, is not that line a sort of fanciful tidal mark which might be bettered by a time-scale in all the lower branches, up to whatever limit may be thought proper?—I have expressed my preference for a time-scale for the Indian Civil Service.

38592. I mean with special reference to the distinction drawn between men who after eight years get into the superior branch?—I do not think it matters whether you call it two scales or one scale provided you have the line of distinction between the men who are in process of training for the higher appointments and the men who are actually filling the appointments of Collector and District Judge.

38593. You suggest in one of your answers that before being entrusted with responsible duties the men recruited from the Bar should undergo a course of preliminary training?—That is, appointments from the English Bar. Question (13) deals with that point.

38594. You say: "It would most certainly be necessary that they should undergo a preliminary course of training for three or four years before they were entrusted with more responsible duties." Would they be on probation all that time?—No, I take it not. I see no more reason why they should be on probation than why the Indian Civil Service proper should be on probation during that time.

38595. Except that a Civilian is not at once invested with such responsible powers as a Barrister would be on being made a Subordinate Judge?—My view was that if you were to recruit from the English Bar, you would have to employ them on other than Judicial duties during the earlier years. I think I have explained that at length in my written evidence.

38596. (Mr. Fisher.) You have given an opinion in favour of a University education for Civilians. Would it meet your views if that University education were to take place after the competitive examination instead of before; if it were to be, for instance, a University course?—If a man were allowed to read Greats for instance after passing the Entrance?

38597. I was rather thinking of a University course partly of jurisprudence, partly

of Indian Ethnology and Indian History, and partly of the Indian languages—a course specially devised, something between the course of jurisprudence at Oxford and the course of the Oriental language?—I am afraid it would not meet my views on the subject. I think you want the broadest kind of training. It would be specialising too soon.

38598. You would not like to see candidates undergo a probationary course until they had reached the age of about twenty-three?—That is my view.

38599. Do you think that a University course other than the Greats course is particularly educative to intending Civilians?—I think so undoubtedly. I do not feel the least inclined to say that the course I happened to take myself is to be the only one that is to be approved.

38600. For instance, if you had a choice between a course of higher Mathematics at Cambridge on one hand, and a course of Indian studies on the lines I have mentioned on the other, do you think the course of higher Mathematics would be really better for the intending Civilian?—I think it is important that there should be one or two higher Mathematicians in the Service. It is important that men who have read in all these different schools should find a place in the Service. If they had all read the same course you would be breeding too closely to type.

38601. (Mr. Chaubal.) I gather from your answers to the Chairman that if Indians were recruited in India by a separate examination there would be difficulty with regard to their complete assimilation in the Civil Service cadre. Do you think there would be the same kind of objection to a proposal which has been made of selecting men with University degrees in Honours, without subjecting them to any examination, sending them Home for study in a University, and bringing them out and making them part and parcel of the Civil Service cadre? Would not there be the same objection which you apprehend in the case of separate examinations?—My view is that there would be the same objections.

38602. You recommend six years as the period at which bifurcation should take place between the Judicial and the Executive: does that six years include the two years of probation?—Six years after arrival in India is what I mean.

38603. That is to say, it would be in addition to the probation course in England?—Yes.

38604. I suppose you want these six years for the purpose of enabling the young Civilians to get a knowledge of Executive and Revenue work in moving about in the districts?—Yes.

38605. Would you have much objection if that period were reduced to four years, as has been suggested by some witnesses?—I do not think one can be very dogmatic as to the precise period that is desirable, but my



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feeling is that about six years is nearly right, and that four would be rather short.

38606. I thought in one portion of your evidence you referred to the mind getting thoroughly set by doing one kind of work; do you think there would be a danger that a man who worked for six years in the Executive line might have his mind positively set to that work?—No, I do not think so in six years.

38607. Would the training in Law, whatever it was, come in after or before the six years?—Any man who had not specially distinguished himself in Law before he came out to India would be obliged to undergo a special training, which so far as I can judge would probably best be carried out in England. That would practically amount to study-leave.

38608. If the training in Law which you propose to give comes after six years then there is no point in the fear I expressed, but if a man has learnt his Law before coming out to India and then he is put for six years to do Revenue and Executive work, do not you think there might be a tendency to destroy the Judicial frame of mind?—I do not think so. That is certainly not my own experience. I do not find it more difficult now than I did when I first came out to apply my mind impartially to the facts of the case before me.

38609. Have you had occasion to make any appointments as Government Pleaders?—No. I have only really had experience of a Government Pleader in two districts, and I do not think that gives me a sufficient basis on which to form an opinion. My opinion would not be of any value to the Commission.

38610. I suppose in this Province as in other provinces, Pleaders make much larger fees in defending accused persons than the Government Pleader does in prosecuting?—I should think that is certainly very often the case, but there again I cannot speak from first-hand knowledge.

38611. The nature of the Public Prosecutor's duties generally confines him to the District Station where the Sessions are ordinarily held?—Yes. Obviously, there would be a certain amount of limitation.

38612. Therefore a Pleader, who has a large mufassal Criminal practice, defending accused persons, refuses to take a Government Pleader's place because of the income?—I can imagine quite easily that a good pleader might refuse the appointment of Public Prosecutor for such reason.

38613. Your objection to the recruitment from the Bar is, of course, very strong as regards those persons who are born and bred up in the Presidency towns without any knowledge of the mufassal?—They are not necessarily born and bred, but they have passed a very considerable portion of their adult life in the Presidency town.

38614. As for instance a place like Bombay, where men whose whole education has been in Bombay are quite ignorant of

mufassal conditions. But is it not your experience in the different provinces that the Appellate Bar generally consists of men from the mufassal, and the successful men on the Appellate Side are generally those who come from the mufassal?—I really could not say.

38615. I want to know whether you would rigidly confine recruitment to Government Pleaders only or would leave a choice between Government Pleaders and pleaders possibly of higher standing and greater practice, whose only fault might be that because they are not Government Pleaders they are more often engaged for the defence than for the prosecution?—If direct recruitment from the Bar is to be introduced, on the whole I do not think I would confine it to Government Pleaders.

38616. Do you think that any partial recruitment from the Bar would be calculated also to raise the tone of the Bar? When practitioners know that recruitment is possible from their body to posts of the importance of District and Sessions Judges, it would have some good effect in raising the tone of the Bar, would it not?—It is conceivable that it might, but I doubt whether the total number of appointments is large enough to be felt as an incentive to the Bar generally.

38617. It has been proposed to us in some places that one-third should be taken from the Civil Service, one-third from the Bar, and one-third from the Provincial Civil Service. What is your opinion upon that method of recruitment?—I do not see that the necessity of it or the desirability of it has been proved.

38618. It is not from that point of view that it is suggested, but from the point of view that you can get material from three different sources which is likely to be of use, and therefore why should such material be thrown away?—The question is whether you would be getting as good material as you are getting at present. You would have to take it from that point of view also.

38619. There is one point in your answer to question (100) which I do not quite follow. You say there that it would be necessary to have separate scales for the Executive and Judicial Branches, and I should like you kindly to elaborate that?—Under the existing rules the minimum pay of a Collector is Rs. 1,500 a month, and the minimum pay of a Judge is Rs. 2,000 a month. So far as I remember when I first came out, officers were confirmed as Judges two or three years later than the time at which their contemporaries were confirmed as Collectors. The present state of affairs is that Judges and Collectors are confirmed at almost precisely the same date. The result is that the pay of the Judicial men is very much higher than the pay of the Executive men of the same standing. I think that must be accepted as a fact and must be provided for in any system of remuneration. The Judicial branch of

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the Service is not so popular with most men as the Executive branch and therefore you must make it attractive by offering more pay.

38620. That is felt in other Presidencies, that the Judicial line is not so much sought after and therefore the salary should be proportionately higher in order to induce people to take to the Judicial line?—I think that is so.

38621. You said you would like to have different scales for the Executive and Judicial branches; differing in what?—They will have to bifurcate at the point where the choice is made between the Judicial and the Executive, and in the Judicial one would have to go up a great deal faster and rise to a higher maximum.

38622. (Sir Murray Hammick.) You said to the Chairman you were afraid that any method of recruiting into the Service except through the open door at Home would lead to a great distinction between the two kinds of men in the Service, and when you were asked about military men and Civilians you said you did not know anything about them. But have you not in this province a difference between the two sets of men recruited into the Police, those recruited out here under the old system and those recruited by examination now in England?—I think there is such a distinction, but what the exact nature of the distinction is I have really forgotten.

38623. The old system of recruitment was by selection in India. Is there any distinction known, either socially or in efficiency or in general respects, between these two different Services?—I do not think there is between the classes of Police officers, but then the line of division is also a line of seniority as well as a line of difference of recruitment, and it would be very difficult for the junior officers to boycott, as it were, the senior officers.

38624. That hardly applies to the people who are close to each other. With regard to this question of the age for recruitment at Home, do you wish to reduce it by one year, to twenty-three years, in the hope of securing that a man who goes up for the examination shall have passed through Cambridge or Oxford?—I think in the majority of cases he would have done so with those age-limits.

38625. Do not you think that is rather doing what you objected to in an answer to Mr. Fisher, breeding too closely to type? Do not you think that getting your candidates exclusively from Oxford or Cambridge is a mistake and breeding too closely to one type of men?—It would not be unfavourable to any other University, to Dublin say, as they would have equal chances. I do not see that fixing the age-limit as I propose would necessarily limit it to Oxford and Cambridge, and I should be very sorry to see it limited to them.

38626. Your object is not to try and get the University man from Oxford or Cambridge only?—You do get such men at present and

you would continue to get a considerable proportion of men from other Universities.

38627. But if you reduce the age again to twenty-one your objection is that it comes in the middle of a University course?—Yes.

38628. But does it come in the middle of any University course except the course of Oxford and Cambridge? It does not come in the middle course of any Scotch University, as far as I know, or in the middle of the Dublin course?—I think that is very likely the case. There are a good many men who would desire to enter the Service under these conditions who would not naturally go to either the Scotch or the Irish Universities; they would be the kind of men who would, in the ordinary course, naturally go to Oxford or Cambridge, and if the age-limit was fixed at that intermediate age instead of doing that they would go to a crammer's.

38629. It is the fear of the crammer really?—That is so.

38630. Then if you could get rid of the fear of the crammer, you would not object to a period of that kind?—If the difficulty of the crammer could be got rid of, I should not object to reducing the age.

38631. Has it been brought to your notice that the more senior men of the Service came from more varying classes of schools and education than the men who come out now?—Honestly I do not know. I do not think I ever thought about it.

38632. Have you a District Judge in your district?—We have a District Judge at Muzaffarpur which is the adjoining district.

38633. How many Magistrates have you in your district?—I think at the present moment there are nine stipendiary Magistrates.

38634. How many in the next district under the other District Magistrate, but under the same jurisdiction of the District Judge?—I should think a good many more.

38635. So that if you had the Judge as the supervising officer of these men, he would have double the number of Magistrates to look after that the Collector and District Magistrate has now?—Certainly, under the circumstances of these two districts.

38636. He is also a sedentary officer instead of a touring officer?—That is so.

38637. With regard to the question of training Civilians, you say it would be a great gain if each man spent a second year at head-quarters. I understand that you were fortunate enough to be taken in as Under-Secretary at the end of your first year of service?—No; I was sent to a sub-division at the end of my first year.

38638. How long were you there?—About three and-a-half years, and then I went to an Under-Secretaryship, after about four and-a-half years' total service.

38639. Did your three and-a-half years' work as Sub-Divisional Officer give you a

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sufficient knowledge of the way work was done in the district to make you able, when you went back as Collector, to know all the ins-and-outs of it?—It taught one the most important things, but it did not teach one the actual technical details of the Revenue work, for the reason that in this province as in Bengal nearly all the Revenue work is done from head-quarters, and not from the sub-divisions.

38640. And the Sub-Divisional Officer has very little Revenue work to do?—Very little Revenue work indeed.

38641. Does the Sub-Divisional Officer here tour regularly in his division?—Yes. He has to spend, and so far as I have seen he always spends, 90 days in camp in the course of a year. His touring is to be of the same length as the Collectors.

38642. That is in his own division?—Yes.

38643. Is he trying cases all the time?—When in camp he takes his cases, but we try as far as possible to arrange the cases so that you can take them up conveniently for all parties.

38644. I suppose during the time he is Sub-Divisional Officer, he is very often paying visits to head-quarters?—Yes. There is a monthly District Board meeting and a Sub-Divisional Officer is usually a member of that and comes in for the meeting.

38645. You have said that you are rather in favour of bringing the Sub-Deputy Collectors into the same list as Deputy Collectors, but surely that would be a very expensive arrangement to begin with?—I am afraid, if it is, it is an expense that Government is really bound to incur, because at present Rs. 250 a month is the minimum pay which an officer doing a certain kind of work ought to receive.

38646. But these men, as a rule, are doing work under more close supervision, either that of the Divisional Deputy Collector or of the Sub-Divisional Officer, than the ordinary Deputy Collector is doing?—Practically the distinction does not amount to very much.

38647. They are in just as independent a position as the Deputy Collectors?—Very nearly so. There is very little difference in the degree of supervision exercised over them.

38648. The difficulty of throwing them into the Deputy Collector's grade would be that you would have to start with a lower pay?—I think you would have to do that.

38649. That would reduce the attractions to that Service considerably. You will have a much larger cadre of men, and the same number of listed posts, and the same number of higher paid appointments, but you will start on much lower pay and thus reduce the attractions of that Service very much?—We get very much the same class of men for the two Services at present. I think the great number of the men recruited for the Sub-Deputy class are fit to be Deputy Collectors, and if we got them on present

rates of pay I think there would be no difficulty in recruiting a suitable stamp of officer for the Provincial Civil Service if the pay were raised to Rs. 150 or better still to Rs. 200.

38650. What it comes to is that you have not got Deputy Collectors enough to do your work?—That is what it comes to.

38651. (*Mr. Hussain.*) In your answer to question (18) of the Provincial Civil Service, you say that if Munsifs were employed for a year or two as Deputy Collectors and Deputy Collectors as Munsifs, the latter would know a great deal more about Law than they do at present and the former a great deal more about the people. Are you aware that there is already a system in existence by which Munsifs are transferred to do the duty of Deputy Collectors for a year or eighteen months, in the Settlement Department?—I am aware of that arrangement in the Settlement Department, and it was that which suggested the idea to me.

38652. Are you also aware that the Deputy Collectors trying cases under section 106 of the Bengal Act do exactly the work of Munsifs under the Civil Procedure Code, that they have to try all the elaborate issues which a Sub-Judge or Munsif is called upon to decide?—I was not aware of that.

38653. I can tell you from my own experience that that is so. Then you say that promotion to the listed appointments should be made by selection and you would not so much care for seniority. In answer to the Chairman you said that although there would be some discontent among the senior members, for administrative reasons you preferred that the appointment should still go by merit and not by seniority?—That is my view.

38654. In other Services most of the higher employments are governed by the same principle of selection and not by seniority really. For instance, a Lieutenant-Governor's post or the posts of Members of Council?—I am aware of that.

38655. You concede that in the Provincial Civil Service also there ought to be a time-scale of pay?—That is so.

38656. You have made some remarks with regard to the time-scale of pay applicable to the Indian Civil Service, and you draw what you call an efficiency bar at a certain age, namely, the eighth year, when they are about to enter a different phase of service, either a Collectorship or a District Judgeship. Would you have a similar efficiency bar for the Provincial Civil Service?—I think it would be very desirable there should be one, but I have never been able to work out the details as to exactly at what stage it should be placed.

38657. You prescribe an efficiency bar for the sole reason that the officer is about to enter a different stage of responsibility altogether, but in this case the work of the men of the Provincial Civil Service is uniform throughout, so that I think you will admit there is no necessity for an efficiency bar here?—I

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am not sure. I think it is a very good thing in all Services that there should come, comparatively early in the service, a stage that a man has to get past.

38668. Then you ought to have given a different reason for drawing your efficiency bar in the Indian Civil Service?—I have considered whether it might not come at the point at which promotion to first-class powers usually takes place. I think it would be a very good thing if the granting of first-class powers of trying cases were postponed by a year or two in the case of most Deputy Collectors. I think at present they get their first-class powers before they are fit for them.

38669. Then probably you will place the efficiency bar when they are about to have first-class powers?—That is a possible solution of the difficulty.

38660. Why not a similar efficiency bar for the members of the Indian Civil Service? Surely they ought to exercise first-class powers under similar restrictions?—They have to pass the departmental examinations and their fitness for first-class powers is tested at that point. There is practically an efficiency bar in the shape of the departmental examinations.

38661. You see that a member of the Provincial Civil Service probably is sooner fitted to exercise first-class powers owing to the fact that he is a man of the country and knows the manners and customs of the country; so that broadly there is greater reason for the efficiency bar being drawn more in the case of a member of the Indian Civil Service than a member of the Provincial Service?—I can only say that my experience is not so. Undoubtedly, there are cases of Indian Civil Service officers who do get their first-class powers before they are really fit to use them, but I think there are a great many more cases amongst the Deputy Collectors.

38662. When that stage is passed and he is vested with first-class powers you would draw no other bar?—I do not see any other possible stage when you can get a distinction in duties.

38663. (Mr. Datta.) You have said that the Deputy Magistrates should know more Law and that the Munsifs and Judicial Officers should know the people better, and as a remedy you have suggested an exchange of duties. Do not you think the first principle is that Judicial Officers ought not to know the men, but ought to decide cases upon the merits of each case. Supposing a landlord is a tyrannous one, the Judicial Officer ought not to know that he is a bad man beforehand, but ought to decide the case exactly on its merits. In fact, that is the reason why justice is generally represented as being blind?—I fully admit that, but I do not contemplate that a man should be employed first as a Deputy Collector and then as a Munsif in the same district. It may not be right that he should know that the man who has brought a case before him is a tyrannous landlord, but it is certainly right

that he should know in a general way the kind of things that might be expected from tyrannous landlords.

38664. That he must have experience there can be no doubt, but he ought not to know the people of a district in administering justice?—I do not mean for a moment that the Munsif is of different flesh from the Deputy Collector, but I do say the nature of his duties cuts him off from a kind of knowledge which I personally regard as essential.

38665. You think the Deputy Magistrates ought to decide cases as Munsifs and know more Law?—Yes.

38666. How can such a man administer justice as a Munsif if he does not know Law?—You have to begin some time, you know. A Deputy Collector is not to be regarded as totally ignorant of the Law.

38667. He is expected to know Criminal but not Civil Law?—A great deal of the work of a Munsif is not so very difficult to learn.

38668. Not exactly difficult, but he ought to know Civil Law before he can administer Civil justice. The imperative test of a Munsif is that he must have passed the B. L. examination or be a Barrister-at-Law?—I do not think practically there would be very much difference. You can put him into a light appointment to begin with where the work is not very heavy so that he would have time to take pains over his work.

38669. It does not depend upon the lightness or the heaviness of the work; he must know some amount of Civil Law in any petty case. There would be a practical difficulty about your suggestion, would not there?—I think that is very likely possible.

38670. You also say that for listed appointments the selections should be made earlier. The Chairman suggested that that would create heartburning and discontent, but do not you think that if the selection were made earlier there would be heartburning and discontent amongst the senior officers?—My view is that it would be worth while to make the appointments at an earlier age at the cost of causing some discontent.

38671. Supposing one man was benefited and forty men became discontented?—I think it is worth while.

38672. Now the selection is made only at a late stage, but you say you would make it at ten years?—I do not think I said I would make the appointments at ten years.

38673. You say: "I see no reason why, after ten years' service, the qualifications of each officer should not be examined, and the most efficient placed on a select list, after which they would be tested in subordinate positions of special difficulty"?—I contemplate that he should be put in what I call the select list after ten years' service, but three or four years would elapse after that before he would be actually appointed.

38674. Then there would not be much difference, because it is now 16 or 17 years and your proposition would be 15 or 16 years?

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—I was thinking mainly of the Deputy Collectors. I know more about them than about the Subordinate Judges.

38675. You have had no experience of the work of the Subordinate Judges?—None.

38676. (*Chairman.*) Can you say what the lowest grade of Deputy Collectors is with first-class powers?—It is done by individual officers, not according to grades.

38677. What is the lowest grade?—I could not say without looking at the Civil list which would show in a moment.

MOULVI ALI AHMAD, B.L., Officiating Additional District and Sessions Judge, Monghyr.

*Written answers relating to the Indian Civil Service.*

38680 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I have got no experience of the detailed working of the present system of recruitment for the Indian Civil Service. As I have served under the officers of the Indian Civil Service for the last 25 years and as I live under a Government which is mainly conducted by the Indian Civil Servants, I have got some general knowledge of the system. I think the system is satisfactory in principle.

38681 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—I do not find any fault in the system.

38682 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—Surely not. Before I can answer the last part of this question I must know what principle for governing India is to be followed by the Government. It is difficult to answer the question before one comes to know that principle.

38683 (6). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose. Do you recommend a system based on any of the following principles:—(a) Selection by headmasters of schools approved or otherwise: (b) Selection by authorities in Universities approved or otherwise: (c) Nomination by headmasters or University authorities and selection under the orders of the Secretary of State: (d) Combined nomination and examination: (e) Any other method?—I do not consider the present system unsatisfactory.

38684 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—This question cannot properly be answered unless and until the Government declares the principle on which it wants to govern India. As far as I understand hitherto the principle was that the Indian Government should be an English Government and the Administration an English

38678. It runs through all the various grades indiscriminately in accordance with the merits of the men?—In the higher grades you would find very few men who had not got first-class powers, because if they had not got them they would not deserve promotion.

38679. In the last grade would you find some with first-class powers?—Almost entirely with third-class powers. I could not say whether there were any with first class powers without reference.

(The witness withdrew.)

Administration. India is peopled by diverse nation and religion, one nation being opposed to the other in fundamental religions principle. For the purpose of governing such a country as India is, I understand, it was considered safe to have a European preponderancy in the superior posts. The English statesmen must have been guided by the consideration that to have large European item in the Service would secure safety of the Indian dominion and prevent one nation oppressing the other. I do not think in the present state of India the Government can give up these considerations. The duty of the Government is to secure happiness, safety, prosperity and peace to all its subjects belonging to all nationality and religion and to preserve the dominion. If the Government considers that it shall be able to secure all these by opening the Indian Civil Service to the Indian, let the simultaneous examination then be held in India without any restriction. In short, I am not in favour of simultaneous examination in India and in England. Not long ago the system of Statutory Civil Service was introduced. Without sufficient trial it was abolished. In its place another system has been introduced. A sufficient trial has not as yet been given to it. I recommend that let a sufficient trial be given to it before its abolition is decided upon and replacement by another system is thought of. Frequent changes in the system are not favourably looked upon by the people of India. They want that the system introduced must have a fair trial. In the light of experience the defects in the system should be removed to secure its success. In its proper place I shall try to point out some defects in it and suggest remedy therefor.

38685 (8). Are you in favour of holding this examination simultaneously at any other centre or centres within His Majesty's Dominions?—No, I am not in favour of it.

38686 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service Cadre by "Natives of India" recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?—I am opposed to any such proposal on the ground that sufficient trial should be given to the present system. If it, however, be considered advisable and necessary to abolish the present system, in that case let a separate examination be held in each province. The proportion I

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shall recommend is to be not more than one-fourth and not less than one-sixth.

38687 (10). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend. In particular, do you consider it desirable that, whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?—I approve of no other system than what is in vogue at present. If it be, however, considered advisable to abolish the present system, I should then recommend a system of combined nomination and examination. I consider it desirable, nay extremely necessary, under all systems, that all classes and communities should be represented. To secure that end the Government may declare that so many posts are to be filled up by Natives of India, of which so many will be given to such and such class or community. Next to invite applications and to select applicants and to allow the selected ones to appear in the examination and compete. The candidates of the particular community or class, securing the highest mark, should be appointed in the post which is wanted to be filled up by that community or class.

38688 (11). If you are in favour of a system for the part recruitment of the Indian Civil Service by "Natives of India" in India, do you consider that "Natives of India" should still be eligible for appointment in England, or would you restrict that right to other natural-born subjects of His Majesty?—I am not in favour of it, but if the system described by me in answering question (10) be adopted, I would consider that "Natives of India" should still be eligible for appointment in England, but the appointments made in England and in India together should not exceed one-fourth.

38689 (12). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Services. If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Services?—The selection in India should be in lieu of the present system of promoting the officers of the Provincial Civil Service to the listed posts. The inferior listed posts must be taken away from the Provincial Civil Service. I recommend that liberal pay must be given to the officers of the Provincial Civil Service according to the suggestions I am going to submit in my answers to the questions relating to that Service.

38690 (13). Do you recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service? If so, please describe the system that you would propose?—I do not recommend any separate method of recruitment for the Judicial branch of the Indian Civil

Service. My opinion is that all the Civil Servants are generally fit to hold both the Judicial branch and Executive branch.

38691 (14). Are you satisfied with the present definition of the term "Natives of India" in section 6 of the Government of India Act, 1870 (33 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only, irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent"? If not, please state fully any proposals that you wish to make in regard to this matter?—I am satisfied with the definition of the term "Natives of India" in section 6 of the Government of India Act, 1870. I do not see any reason why persons of unmixed European descent born and domiciled in India should not be included in it. It is only just that they should be included.

38692 (15). If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—The age-limit should be between University-leaving age (*i.e.*, 23 years) and school-leaving age (*i.e.*, 18 years). When it is a competitive examination it does not matter whether University or school boys appear in it. The age-limit should be such as to allow both University men and school-leaving boys to appear.

38693 (17). What is your opinion regarding the suitability of the recent recruits to the Indian Civil Service?—They are well qualified for the Service.

38694 (18). What is the most suitable age at which junior civilians should arrive in India?—I think the suitable age is 24 or 25. The climate of India is such that maturer men should come and not men of very tender age.

38695 (19). What age-limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age-limits for "Natives of India," and for other natural-born subjects of His Majesty?—I think 23 or 24 will suit best for Natives of India. Parents do not like to part with young boys. Besides that they must have liberal education in his own country before he should go to compete with European boys on their own ground.

38696 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to

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secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well educated young man of the period?—I accept the present principles in vogue.

35697 (21). Please examine the table in Appendix I to these questions, which shows the various phases of the authorised syllabus of the open competitive examination, and state what changes, if any, are, in your opinion, desirable, differentiating between the cases of candidates (a) of school-leaving age and (b) of University-leaving age?—I have not got enough experience to answer to this question. But the marks for Greek, Latin, Sanskrit and Arabic languages and literatures should be the same.

35698 (22). Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates? If so, please state them and give reasons?—There is no use of Greek, French and German languages for Natives of India as their knowledge is not needed for carrying on the Indian Administration.

35699 (23). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and if so, what posts and for what reasons? Please state in detail what alterations (if any) you recommend in the Schedule of the India Civil Service Act of 1861 (24 and 25 Vict., c. 54). [Attention is invited to the provisions of the India Civil Service Act, 1861 (24 and 25 Vict., c. 54) and of the Government of India Act, 1870 (33 Vict., c. 3), reproduced as Appendices II. and III. to these questions.]?—This question cannot properly be answered until the Government declares the principle, mentioned in answering question (7).

35700 (24). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service Cadre do you consider that "Natives of India" might, under present conditions, properly be admitted?—This question also cannot be properly answered without knowing the said principle of Government.

35701 (25). Do you accept as generally satisfactory in principle the present system under which "Natives of India" are recruited partly through the medium of an open competitive examination in England, and partly by special arrangement in India, in accordance either with rules framed under the provisions of section 6 of the Government of India Act, 1870 (33 Vict., c. 3), or with the provisions of the India Civil Service Act, 1861 (24 and 25 Vict., c. 54)? Do you recommend any alterations in this system, and, if so, what?—I accept it as generally satisfactory. I have no suggestion to make at present for any alteration in the system.

35702 (27). Have the "Natives of India," recruited by means of open competition in England, proved, on the average, as efficient as the European members of the Indian Civil Service of the same standing and recruited in the same manner? Has it been found possible and

expedient to employ them in all branches of the Administration, whether on executive or judicial duties?—My answer to this question is in the affirmative.

35703 (28). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—Certainly not.

35704 (33). Please now refer to the rules, dated 26th August 1910, made in exercise of the powers conferred by section 6 of the Government of India Act, 1870 (33 Vict., c. 3), and reproduced as Appendix IV, and to the statement in Appendix V to these questions, showing the number of offices, places, and appointments, commonly known as listed posts, ordinarily held by members of the Indian Civil Service, to fill which it has been declared that members of the Provincial Civil Service can properly be appointed; and say whether the figures given are correct for your Province?—All the posts mentioned in the list are not held by the members of the Provincial Service, therefore I must say that the list is not correct.

35705 (34). Are all the posts thus listed ordinarily and regularly filled by "Natives of India"? If not, please state for the last five years to what extent there has been any failure to work up to the authorised list, and explain the reasons?—Before the present partition they were regularly filled by Natives of India.

35706 (35). To what extent also during the last five years have these listed posts been filled—(a) by members of the Provincial Civil Service; (b) by other "Natives of India"? Please give the names and positions of the latter, if any?—(a) Within last five years all the listed posts were filled by the members of the Provincial Civil Service. (b) None was filled by other "Natives of India" as far as I am aware.

35707 (36). Has the power to fill one-quarter of the listed posts with "Natives of India" other than members of the Provincial Civil Service or Statutory Civilians been ordinarily and regularly exercised? If not, can you give the reasons for this, and do you think it advisable that the power should be utilised and in what directions?—No. So very few of the listed posts have been given for the Provincial Service that Government could not, I believe, offer any to any other "Natives of India." I do not think under the present state of things the Government can utilize the power.

35708 (37). Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess?—(a) It gives satisfaction to the members of the Service so far that it has given some additional posts to it. (b) The public has no knowledge of the system. The arrangement does not offer any peculiar advantage. Such a system was necessary in view of the abolition of the Statutory Civil Service and of the introduction of a new system of opening the listed post to the Provincial Service.



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38709 (38). Is the class of posts listed suitable? If not, in what directions would you suggest any changes and why?—I think the class of posts listed is suitable.

38710 (39). Have the officers of the Provincial Civil Service, selected to fill listed posts, proved on the average as efficient as members of the Indian Civil Service filling posts of similar responsibility, and has it been found possible and expedient to employ them in all branches of the Administration?—I am inclined to answer the first part of the question in the affirmative. I am not in a position to answer the latter part of the question.

38711 (40). Please now turn to the Indian Civil Service Act, 1861 (24 & 25 Vict., cap. 54), which will be found in Appendix II. to these questions, and say how many "Natives of India" have been appointed permanently to posts in your province under its provisions during the last five years, giving names and the nature of the posts so filled?—The Province was formed only on the 1st April last (1912). This question therefore does not apply to this Government.

38712 (41). Are there any other ways in which "Natives of India" are appointed to your Province to Civil Service posts? If so, please give details of the same?—There is no other way as far as I am aware.

38713 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—I have got no experience in the matter.

38714 (44). What should be the duration of the probationer's course in England, (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you?—One year.

38715 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?—No.

38716 (47). Do you consider that probationers should receive allowances during their period of probation?—The probationers should receive allowances. I should allow so much as to enable them to live comfortably in England.

38717 (48). If you do not advise attendance at an approved University during the period of probation in England, what alternative course of study do you recommend?—The probationers should attend all sorts of courts and offices to become familiar with the mode of working in England in Judicial and Executive matters.

38718 (49). Would it, in your opinion, be desirable to establish a separate institution in England for this purpose, and, if so, under what conditions?—No separate institution would be necessary, but they will remain under the control of the India Office.

38719 (50). If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in

1854, that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University course?—I accept the principle laid down by Lord Macaulay's Committee in 1854. My answer applies equally to those who pass after leaving school and to those who do so after completing a University course.

38720 (51). Please examine the statement printed as Appendix VI. to these questions, showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you?—I shall add:—(5) Civil Procedure Code, (7) Contract Act, (8) Hindu and Muhammadan Law, and cancel the optional subjects.

38721 (52). In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at Law Courts in England and reporting of cases; (ii) the teaching of Indian Law in addition to the general principles of jurisprudence; (iii) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of (a) Indian Geography, (b) Political Economy and (c) Accounts?—Teaching of Political Economy and Accounts are desirable.

38722 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—In England.

38723 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?—Not required.

38724 (55). What is your opinion of a proposal that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—Not required.

38725 (56). In the report of the Treasury Committee appointed to consider the organisation of Oriental Studies in London (1909), the view is taken that the preliminary training in Oriental languages and in law required by probationers can be given better in England than in India, because of the difficulties which junior civilians would experience in learning these subjects in India, the lack of good teachers in Indian district headquarters, the difficulty of even good Indian teachers appreciating the European student's point of view, and the difficulty of arduous study in a tropical climate. Do you consider that these objections could be met by a suitable scheme of instruction in India?—I do not think the objection of the Treasury Committee can be met by a cheap and suitable scheme of instruction in India.



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[continued.]

38726 (59). Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No differentiation is necessary.

38727 (60). Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—There is no arrangement, as far as I am aware, for training the members of the Civil Service.

38728 (61). Is the existing system of Departmental examinations suitable, and if not, what change do you recommend?—I think it is suitable.

38729 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and if not, how could this best be remedied?—I think there is great deterioration in the knowledge of the Indian languages possessed by the members of the Indian Civil Service. Formerly they could not go on with the work without learning the language thoroughly well, as vernacular was much in vogue in every department. Now the vernacular records have been displaced by English records and most of the people in town know English, consequently the Civilians can go on with their work somehow or other without having a good knowledge of the vernacular. They do not, therefore, care to learn it.

38730 (63). Do you recommend any changes in the rules for the encouragement of the study of Oriental languages, and, if so, what changes?—The rules for encouragement of the study of Oriental languages are not calculated to be an appropriate remedy. In this respect the departmental examination should be made more strict than it is at present. It should be made a rule that unless they learn the vernacular of the Province they should not get charge of any sub-division and should not get any officiating listed post.

38731 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch. In particular, do you favour a system of granting study-leave to Europe, and if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?—The proposal that I am going to make in my answers to questions (58) and (59) would not require any special arrangement for imparting legal knowledge to the members of the Indian Civil Service.

38732 (65). Do you recommend any special course of study in law in India for officers selected for the Judicial branch?—No.

38733 (66). Do you recommend any special training in subordinate judicial posts for officers selected for the Judicial branch?—No.

38734 (67). Do you recommend any system for encouraging the higher study of law analogous to the rules for the encouragement of the study of Oriental languages?—No.

38735 (68). Is any differentiation desirable in the system of training after appointment in India between members of the Indian Civil Service who are "Natives of India" and other natural-born subjects of His Majesty?—No.

38736 (70). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are "Natives of India" as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent?—No.

38737 (72). The present theory underlying the conditions of service in the Indian Civil Service is that—(a) the members of the Service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones; and (b) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties. To secure these objects the number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 *per mensem* is ascertained, and it is endeavoured to recruit only sufficient officers to make it probable that each officer will find himself officiating with practical permanency in at least the lowest of those appointments after the completion of eight years' service. Do you accept this system? If so, do you consider that the period of eight years is suitable, or do you recommend any change? What alteration (if any) would be necessary if the age of recruitment were lowered?—I accept the system as sound. I think the period of eight years is suitable. I have no change to recommend. If the age-limit be lowered, the period of eight years must be changed to nine or ten years.

38738 (73). It is also part of the existing system that officers of over two but under eight years' completed service should fill with practical permanency in the ordinary course of promotion changes of minor responsibility, called technically "inferior posts," and should be drawing pay at rates above that of the lowest grade, but not exceeding Rs. 1,000 *per mensem*. Do you accept this as a suitable arrangement? If not, what alteration would you suggest, and for what reasons?—I accept it as a suitable arrangement.

38739 (88). To what extent are the functions of the officers of the Executive and Judicial Branches of the Indian Civil Service differentiated? Is any change desirable and, if so, in what directions?—The members of the Indian Civil Service up to the stage of Joint Magistrateship do the Criminal and Revenue work. After that stage some go to the Judicial branch and do the Criminal and Civil work and the rest do the Revenue and Criminal work. I recommend to abolish the difference between the grades of District Judges and District Magistrate and Collector. There should be equal number of

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grades with equal pay in the two branches. The District and Sessions Judge may be called upon to act as District Magistrate and Collector and the District Magistrate and Collector may be called upon to act as District and Sessions Judge according to the exigencies of the service. The members of the Indian Civil Service are generally men of such ability as to be able to do any work that they may be called upon to do. We should not be guided by instance of one or two failures in this or in that branch. To a District Judge a knowledge of Revenue matters is as necessary as a knowledge of Civil law is necessary to a District Magistrate and Collector. All Assistant Magistrates should be invested with the powers of Munsif and every Joint Magistrate with the powers of Subordinate Judge. We now have tolerably strong Bar at the headquarters of every district and the Bar shall teach law to the Assistant Magistrate and the Joint Magistrate as it does to us. No separate study of law is needed for the purpose of carrying on the administration of the country satisfactorily. The rules for the competitive examination should be so framed as to select persons of profound common-sense. The people of the country hope that with the officers of a profound common sense and calm temper the administration of the country would go on smoothly. Some years ago I had occasion to see Joint Magistrates trying some petty *ex parte* Civil cases. That sort of thing will not do. The Assistant Magistrates and Joint Magistrates should be required to do the usual duties of Munsifs and Subordinate Judges respectively and they must do the Civil work fully as the Judicial Officers do now.

*Written answers relating to the Provincial Civil Service.*

38740 (1). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—The general conditions that should govern recruitment to the Provincial Judicial Service as laid down in the Government of India Resolution referred to in the question are generally suitable. In rule V, however, I propose to add that (in special cases) one year's practice as pleader or advocate may be considered sufficient. I am led to make the above proposal in view of the fact that the Calcutta University has raised the period of study for the law examination from 2 to 3 years and that there have been raising of qualification and stiffening of examination in the Inns of Court in London.

38741 (2). Please supply a copy of the Rules for the recruitment of the Provincial Civil Service in force in your Province. Are these rules suitable, or have you any recommendations to make for their alteration?—The rules are generally suitable.

38742 (3). Please see the statement showing the constitution of the Provincial Civil Service, reproduced as Appendix B to these questions,

and state whether the information is correct for your Province. If not, what alterations are required?—The informations are correct.

38743 (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—The present system of recruitment by nomination both for the Judicial and Executive Services is working well. I am not in favour of disturbing the system in the present condition of India. The system has, while attaching due importance to University qualification, reconciled the claims of the various communities and sects inhabiting the Province. The present system has given impetus for higher education to the backward communities. I have not in my mind the Muhammadan especially. It is the present system that has made the Provincial Services accessible to Uriyas and Sonthals. Without equal advance in education throughout a province the competitive examination is sure to be unpopular.

38744 (7). To what extent are non-residents of the Province employed in your Provincial Civil Service? Do you consider that only residents of the Province should ordinarily be recruited?—This Province has only recently been formed. Both the Judicial and Executive Services have more than 75 per cent. non-residents. This could not be avoided. I think recruitment to the Provincial Services should be confined to residents of the province.

38745 (8). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—At present all classes and communities are not duly represented in the Provincial Services. The existing system of recruitment, if allowed to continue, will accomplish that good work in a short time. In my opinion it is good and fair that the present policy of representation of communities should be continued and extended to other departments also.

38746 (9). What is the system of training and probation adopted for officers of the Provincial Civil Service? Do you consider it satisfactory, and if not, what alterations do you recommend?—Advocates and pleaders who have practised for 3 years are enrolled for employment in the Judicial Service. Generally an officer has to officiate for about two years as Munsif before he gets a permanent appointment. This period of two years generally spent in half a dozen places gives sufficient training for the Judicial Service. There is a period of probation in the Executive Service during which the probationer is given non-judicial work of every kind and has to prepare records at sessions trials. The probationers are allowed opportunity for study. The system prevailing in both branches of the Service is satisfactory.

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38747 (10). Is the existing system of departmental examinations suitable, and if not, what changes do you recommend?—There are no departmental examinations in the Judicial branch. The existing departmental examinations in the Executive branch are suitable and necessary.

38748 (11). Do you consider that any change should be made in the classes of officers and appointments at present included in your Provincial Civil Service?—In the Judicial Service there are two classes, *viz.*, Subordinate Judges and Munsifs. No change is needed. The designation "Munsif" may be changed to "Assistant Subordinate Judge." In the Executive branch also there are two classes, *viz.*, Deputy Collectors and Sub-Deputy Collectors. In my opinion the Subordinate Executive Service should be abolished altogether and merged into the Provincial Executive Service. The men in both the Services are of the same social status and qualifications. They have to pass the same departmental examinations. The Subordinate Executive Service does to some extent, and is certainly capable of doing, the same work with equal success as the Provincial Service. The Subordinate Executive Service is a Service of discontented ones and its grievances are real.

38749 (12). What is the system on which the strength of the <sup>Executive</sup> Judicial branch of your Provincial Civil Service is fixed? Do you consider it satisfactory, and if not, what alterations do you recommend?—I am not aware of the exact system on which the strength of the service is determined. I think the strength should be fixed on the amount of work to be done. The standard of number of cases disposed of during a year is not always safe and reliable. 1,500 suits may in one place be adequate work for a Civil Officer, but the same man may find it very difficult to cope with 1,000 suits in another place. The amount of time a suit takes depends on the nature of the people of a district and the quality of the bar of the place. The general opinion is that both the Judicial and Executive Services require strengthening.

38750 (13). In particular, is the leave reserve adequate, and the system on which it is graded suitable?—The system prevailing in the Judicial Service of keeping enrolled candidates for officiating appointments does not call for a leave reserve. There is no leave reserve in the Executive Service as far as I am aware. The officers of that Service get leave with great difficulty and it is seldom that they get it in time. There should be a leave reserve in the Executive Service.

38751 (14). Is there any reserve for officers under training and is it adequate?—As far as I am aware there is probably no reserve for officers under training. I think no reserve is needed there.

38752 (15). To what extent is any system of selection for appointments to the higher grades enforced? Is any change of practice required in this respect?—The selection for appointments to the higher grades of the Judicial Service rests with the High Court and the system has given satisfaction. The system in

practice, though it may be different in theory in the Judicial Service, is that every officer is entitled to promotions to the higher grades unless he proves unfit or does something substantially wrong not to merit promotion. The result is that there is no heart-burning and discontent in this matter in the Judicial Service. In the case of the Executive officers the principle and practice are different. I wish to make it clear that I do not mean to give offence to any class of Executive Officers. I am required to give my opinion on matters of vital importance to the good government of the country and I am in duty bound to place my views and beliefs before the Royal Commission. The system of appointments to the higher grades in the Executive branch is, I understand, based on the confidential reports of District Officers through Commissioner to Government. It is a well-known fact that the officers of that branch have to serve several masters, transfers in that Service being more frequent than in the Judicial Service. It does sometimes happen that a good officer's career is sometimes blasted by the idiosyncrasies of a particular officer under whom he is serving although senior and able civilians under whom the provincial men served previously invariably reported well on his work. The system of confidential reports should be abolished or should at least be given little place in making promotions to the higher grades. These confidential reports hardly act as correctives. Whenever it may be considered necessary to report an officer his explanation should be taken. He should be advised and corrected. At the time of making promotions the past history of an officer's whole career should be weighed as is done by the High Court in the case of judicial officers.

38753 (17). Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—The interests of administration will in my opinion not suffer, and great hardship to officers will be mitigated if a system of time-scale of pay and promotions be adopted in both the judicial and executive branches of the Provincial Civil Services.

38754 (18). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and if so, in what direction?—The functions of the judicial branch are confined mainly, to civil litigation, while those of the executive to criminal litigation, revenue and other matters. The executive branch may be divided into two, sub-branches, *viz.*—(i) Criminal cases, (ii) Revenue cases and other miscellaneous work. The criminal branch should be coalesced and joined with the judicial branch and placed directly under the High Court. Out of 222 Deputy Magistrates in the Province of Bihar and Orissa about three-fourths of the number are vested with first class power. The appeals against their order and decision are heard and disposed of by the District Judges. In every head-quarter one or two Deputy Magistrates are chiefly entrusted with criminal work. Under

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such circumstances I think the Criminal Branch may be easily separated from the Executive Branch and joined with the Judicial Branch. I daresay there will be not much extra cost. For Provincial Service one post of Under Secretary has been reserved. That post may be given as a Joint Registrar to the appellate side of the High Court to meet the increased work there.

38755 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—I am quite satisfied with the existing system by which certain posts of the Indian Civil Service are listed as open to members of the Provincial Civil Service of proved merit and ability. The system has worked very satisfactorily and is susceptible of improvement and expansion. The number of such listed posts both in the judicial and executive branches should be increased. There are some defects in the detailed working of the system. Merit and ability are recognised when an officer has put in 23 to 26 years of service. There are some who are given listed posts when they are, either on extension or about to take one. I believe this system is not beneficial either to the Government or to the individual officer concerned. Selections for listed posts should be made from officers who have still at least nine years to serve. The officers of the Provincial Civil Service when given listed posts are shown in two places in the Civil List. For the purposes of promotion they are classed and placed with junior civiliau judges. It is very rare that a Provincial Service officer rises to the second grade and none has risen to the first grade yet. There is yet another unsatisfactory feature of the system. The pay of a Subordinate Judge of the first grade is Rs. 1,000. The pay of the last grade of the listed posts is Rs. 1,200. A Joint Magistrate of the first grade drawing Rs. 1,900 when made a judge gets Rs. 2,000. The better system would be to throw open a fixed number of appointments in each grade of District Judges and class them separately. The members of the Provincial Service holding listed posts should then count seniority and promotion among themselves.

38756 (20). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—I am satisfied with the system.

38757 (21). Are you satisfied with the present designation "the Provincial Civil Service?" If not, what would you suggest?—I have no serious objection to the designation "Provincial Civil Service." It may as well be designated after the province it serves.

38758 (22). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—The principle

enunciated by the Public Services Commission of 1886-87 is very narrow. The matter should not be looked at from a commercial point of view. The Government should not look only to the market value of graduates but also to the dignity and convenience of the officers who are entrusted with great responsibilities and who should maintain positions commensurate with their dignity and authority.

38759 (23). Please give full information regarding the rates of pay and the number of posts in each of the main grades of the Provincial Civil Service authorised on the 1st April of each of the following years:—1890, 1900, and 1912. When was the last general reorganisation effected, and what improvement of prospects was effected thereby?—The province was formed on the 1st of April 1912. The schedules with the question give the following:—

## (a) Subordinate Judges—

		Rs.
1st grade . . . . .	2	1,000
2nd " . . . . .	6	800
3rd " . . . . .	12	600

## (b) Munsifs—

		Rs.
1st grade . . . . .	20	400
2nd " . . . . .	19	300
3rd " . . . . .	19	250
4th " . . . . .	10	200

## EXECUTIVE BRANCH.

## Deputy Magistrates—

		Rs.
1st grade . . . . .	4	800
2nd " . . . . .	5	700
3rd " . . . . .	12	600
4th " . . . . .	36	500
5th " . . . . .	52	400
6th " . . . . .	54	300
7th " . . . . .	59	250

## Sub-Deputy Collectors—

		Rs.
1st grade . . . . .	7	250
2nd " . . . . .	19	200
3rd " . . . . .	39	175
4th " . . . . .	37	150
5th " . . . . .	27	100

The province was formed only a short time ago and it is not possible to gauge the future prospects of the Services.

38760 (24). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—The existing rates of pay and grading are not satisfactory and the popularity of the Services is certainly waning. There should be four grades of Munsifs as follows:—

		Rs.
1st grade . . . . .	20	500
2nd " . . . . .	20	400
3rd " . . . . .	20	300
4th " . . . . .	8	250

There should be three grades of Subordinate Judges also as follows:—

		Rs.
1st grade . . . . .	4	1,500
2nd " . . . . .	7	1,000
3rd " . . . . .	9	700

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There was a grade of Rs. 1,500. The officers holding posts in it used to be appointed as Small Cause Court Judges. That grade was abolished in 1892. The judicial officers are required to work very hard. There being no variety in the work it becomes monotonous. They have to sit till very late and hardly get time for relaxation or recreation. With the exception of food grains every imported thing they have to purchase. The depreciation in the value of silver affects the Indian also. The prices of food grains also have notoriously increased. Wages of servants are also enormously increasing. The cost of educating children has also almost trebled during the last ten years. There has been a general advance in the style of living and the officers have to keep pace with that advance. Work is on the increase as is shown by the following figures. I have to depend on the combined figures for the two provinces of Bengal and East Bengal and Assam. The latest figures are not available.

Year.	Income. Rs.	Expenditure. Rs.	Saving. Rs.
1905 .	1,86,71,501	61,93,665	74,77,836
1906 .	1,40,14,754	64,36,820	75,77,934
1907 .	1,42,29,288	64,90,936	77,38,352
1908 .	1,44,98,117	66,51,618	78,46,469
1909 .	1,49,23,684	67,68,592	81,60,092

The increase of income shows the increase of work in the Judicial Department. More than half the income is saved which probably maintains all the other Departments of the District Administration. I may inform that recently the Government has raised the daily Fees of Public Prosecutor from Rs. 16 to Rs. 25 and in especial cases to Rs. 32.

38761 (25). Are you satisfied with the present system under which officiating promotions are not made in the Provincial Civil Service? If not, what alteration do you recommend?—I am not satisfied with the present system which does not provide for officiating promotions in the provincial services. If time-scale of promotions is not introduced, I think officiating promotions should be given.

38762 (26). What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service, or not?—I am strongly of opinion that the present graded system of promotions should be substituted by a time-scale of promotions. The time-scale should be for all grades.

48763 (28). What is your experience of the practical working of time-scales of pay in other Indian Services?—I have no personal experience, but the general opinion is that officers with time-scale of promotions are more contented than those who have not.

48764 (29). If you recommend any kind of time-scale of pay, please describe the scheme that you propose and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades, charge allowances and other matters of importance? How do you propose to apply such time-scales in provinces where the scale of pay of the executive

and judicial branches of the Service is different?—I beg to propose the following scale of pay and conditions of promotions for the Provincial Services :—

## JUDICIAL BRANCH.

Munsifs.—(I take them to be confirmed in 30 years of age.)

	Rs.	
4th grade on . . .	250	3 years.
3rd " . . .	300	4 "
2nd " . . .	400	4 "
1st " . . .	500	till he becomes a Sub-Judge.

When a particular officer gets a lift to the post of a Subordinate Judge, it must be ascertained how many years are remaining to attain the age of 55 years. Supposing that X years are remaining, then the time for each grade will be  $\frac{X}{3}$ . If we suppose X=9 years, we shall have—

	Rs.	
3rd grade on . . .	700	3 years.
2nd " . . .	1,000	3 "
1st " . . .	1,500	3 "

## EXECUTIVE BRANCH.

	Rs.	
Probationary . . .	250	1 year.
7th grade . . .	300	4 years.
6th " . . .	400	4 "
5th " . . .	500	4 "
4th " . . .	600	4 "
3rd " . . .	800	3 "
2nd " . . .	1,000	2 "
1st " . . .	1,200	3 "

48765 (30). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—I am unable to approve of the two-thirds system. Ordinarily it is the Subordinate Judge of the first grade drawing Rs. 1,000 a month who is promoted to a District Judgeship on Rs. 1,200. The increment given is Rs. 200 only. The Provincial Service officer has often to go in place of a Civilian Judge. The member of the Provincial Service so promoted has to maintain the traditions of the appointment. The result always is that the member of the Provincial Service has to spend some of his savings if he has any. The same principle which allows a Joint Magistrate drawing Rs. 900 to get Rs. 2,000 when appointed a Judge should be applied in case of the members of the Provincial Service. It is a notorious fact that at present these listed appointments are considered an expensive honour and nothing more by the members of the Provincial Service. I would suggest that the pay of the listed posts should be the same for the executive and judicial branches and would grade them as follows :—first grade Rs. 2,200, 2nd grade Rs. 1,800, 3rd grade Rs. 1,600. This pay at first sight compares more than fairly favourable with the pay of the Civil Service. I have good reasons for making the above suggestions. In case of the Civil Service this pay is attained within 20 years

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of service and does not express the maxima to which that service can aspire. In the case of the Provincial Service the pay I have suggested will be the maxima at which the most brilliant and capable officer of the Provincial Service will have to retire.

38766 (31) Is there any reason to suppose that officers of the Provincial Civil Service take more or less leave of any particular kind than they did 5, 10, 15 or 20 years ago? If so, to what is this due?—The officers of the Provincial Civil Service have never been known to have taken leave for rest or recreation. The present scale of pay and the leave restrictions do not permit those officers to avail it, however necessary it may be for recruitment of health.

38767 (32). Is all the leave on full pay due to them ordinarily taken by officers of the Provincial Civil Service, and if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?—The present rules do not permit leave on full pay to judicial officers. The executive officers do not often get leave as there is no leave reserve in that Service. It is highly desirable that leave on full pay should be allowed to judicial officers as to executive officers and a leave reserve provided for the latter Service. I think the amount earned is suitable, regard being had to the interests of the public service.

38768 (33) Is all the furlough due to them ordinarily taken by officers of the Provincial Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?—The officers of both the Services do not avail themselves of any furlough till forced by illness or extremely urgent affairs, as the furlough allowance is very small and the restrictions are very great. The total period spent on furlough does not count for pension. This is another loss to furlough being taken.

38769 (34) Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—If the amount of furlough admissible in 30 years' service is not increased, the allowance should be increased to two-thirds of the pay drawn at the time the furlough is taken.

38770 (35). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable? The maximum and minimum leave allowances at present in force are not suitable and should be made to conform to the suggestions I have made in these replies.

38771 (36). Have you any recommendations to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—All leave should be classed under three heads, viz—(i) Privilege leave (ii) Furlough (iii) Leave without pay. Medical leave and leave on urgent private affairs should be merged into furlough. One month's furlough should be earned for every year of service. Leave on medi-

cal certificates should be given in special circumstances when neither furlough nor privilege leave is due.

38772 (37). Generally speaking, do any of the present leave rules applicable to the Provincial Civil Service cause inconvenience to the Administration, and, if so, what; and what remedy do you suggest?—As far as I know, the present leave rules have never been a source of inconvenience to the administration so far as the Provincial Service is concerned.

38773 (38). In particular, are they a contributory cause of excessive transfers of officers, and, if so, how can this difficulty be met?—The leave rules in force at present have not contributed to excessive transfers. When the leave rules are made more humane the difficulty may arise. This would have to be met by having a leave reserve.

38774 (39). Do any of the present leave rules press hardly in any way on officers of the Provincial Civil Service, and, if so, in what respects? What is, in your opinion, the appropriate remedy? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—The restriction imposed by Article 260 of the Civil Service Regulations that six months should elapse after expiry of last leave before privilege leave is taken presses heavily. The restrictions imposed by Article 338 of the Civil Service Regulations are also hard. The balance of furlough due may be taken at any time. Absence on leave is never thought of except under special circumstances. The power vested in Government of refusing leave is a sufficient restriction to discourage abuse and to safeguard the interests of the Administration. There should be difference in the leave rules of Europeans and Indians but they should not be as marked and acute as at present.

38775 (40) Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?—The maximum should be raised to Rs 7,200 *per annum*. The present condition is that officers cannot afford to keep up their position after retirement. The pay of the Services is so inadequate that savings are almost impossible. Income-tax should not be charged on pensions.

38776 (42). Do you approve of the grant of reduced pensions for such officers as may be found to be inefficient but whom it may be difficult to retire without some provision for their subsistence? If so, what do you suggest?—I do approve of the grant of reduced pensions for such officers as may be found to be inefficient but whom it may be difficult to retire without some provision for their subsistence. In their case the minimum period of pensionable service should be five years.

38777 (43) Do you approve of the present system regulating the pensions of officers of the Provincial Civil Service holding listed posts? If not, what do you suggest?—I do not approve of the present system. In the case of those officers the maximum should be Rs 9,000. They will have to keep up position suitable to dignity of the place from which they retire.

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38778 (44). Do you consider the existing rules governing the voluntary and compulsory retirement of members of the Provincial Civil Service are satisfactory? If not, what changes do you recommend?—The existing rules are satisfactory. Compulsory retirement at the age of 55 should be rigidly enforced to allow a free flow of promotions to capable officers.

38779 (45). To what extent do members of the Provincial Civil Service subscribe for the benefit of their families to the Government General Provident Fund, or to other official or officially recognised funds? Are any further facilities required, and what arrangements of this kind do you consider to be necessary?—The Government General Provident Fund has been recently

MOULVI ALI AHMAD called and examined.

38781. (Chairman.) You are a member of the Provincial Civil Service?—I am.

38782. Holding a listed post in the Judicial Branch as an Additional District and Sessions Judge?—Yes, officiating.

38783. How many years' service have you had in the Provincial Civil Service?—Twenty-five years all but three months.

38784. For how many years have you occupied your present position?—I have occupied the position here and there and then reverted to my judicial post as Subordinate Judge and Assistant Sessions Judge. From May 1910 I have held this post. My permanent post is Subordinate Judge with Assistant Sessions Judge's powers.

38785. You consider that the administration of India should be conducted on British lines and with a preponderating proportion of Englishmen in the superior posts?—Yes; we cannot discard the English element.

38786. In order to preserve harmony between the diverse elements in India you are anxious to see no change in the existing arrangements which in your opinion as yet have received only a short trial. You say that if the present system must be abolished you would recommend a system of combined nomination and examination by classes and communities?—Yes.

38787. And you would lay down that not more than a quarter of the Service, whether recruited in England or in India, should be Indians?—Yes.

38788. You say in your answer to question (12) that if such a proposal were accepted you would abolish the listed posts for the Provincial Civil Service and would compensate that Service by giving the members of it better pay?—Yes.

38789. Why do you say that the listed posts should be abolished?—We cannot have two doors open to us.

38790. But does not your proposal of nomination and examination constitute two doors?—No, only one door. We have nomination and then examine those persons who are nominated.

started. Officers have begun to appreciate its advantages. When the pay of the Service is increased, the contribution should be made compulsory. The Postal Life Insurance System may be extended so that one may insure his life for Rs. 10,000; the amount that can be deposited in the Savings Bank should in the case of Government servants be raised to Rs. 10,000 of which Rs. 8,000 may be invested in Government Paper.

38780 (47). Have you any other proposals to make in regard to the Provincial Civil Service not covered by your answers to the above questions? If so, please explain them?—First-class travelling allowance should be allowed to all officers of the Provincial Civil Services. There should be transfer allowances also.

38791. Would you withdraw from Indians the opportunity of going in for the examination in India with the listed posts abolished?—Certainly.

38792. So there would be only one examination in India with the listed posts abolished?—Yes.

38793. Can you tell us shortly how you would set to work to nominate the candidates?—I would follow the present system of nomination in the Executive Department. It is ascertained every year how many persons are to be appointed and then it is settled what shall be given to each particular class or creed.

38794. Who is to be the body to decide this?—I think the Commissioner is the best person for that.

38795. And confirmation by the local Governments?—Yes.

38796. I see from your answers to questions (6) and (8) that you are a strong supporter of communal representation in the Provincial Civil Service; could you tell us what makes you attach so much importance to that?—There are various reasons. If communities be not represented then one community would be degraded and another would rise higher, and one would be oppressed by another, and so on.

38797. Do you think that any particular community is over-represented or under-represented in this province?—At present it is impossible to say anything. The Government has been only recently formed and the cadre has not yet been settled. We have now all sorts of men without regard to any system.

38798. Are you prepared yourself to say whether there is any particular community that you consider should be represented?—The Muhammadan community must be represented. This is the first year of this Government and the Muhammadans are very much grieved to see that amongst the candidates in the Executive department not a single Muhammadan has been nominated or appointed to office. There is very grave dissatisfaction amongst the Muhammadans in the very first year of this Government's formation. They consider it to be anomalous and ominous.



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38799. In your answer to question (11) you press for the amalgamation of the Subordinate and the Provincial Civil Services on the Executive side. Can you explain to us why the question should be considered here?—They have the same standard and I do not see any reason why they should be kept in an inferior list. The Sub-Deputy Collector's post is looked upon with very great dissatisfaction. It is a gazetted post, but they have no status. A Sub-Deputy Collector is sometimes sent out as a duffari, the man who supplies inks and pens and papers and so on, and may be deputed to go to the record room to pick out this record and that record, and so on. Then they are sent out to do certain duties and sometimes those duties are very heavy and onerous. They are given a Treasury charge or put to assist Deputy Collectors, and so on.

38800. You say they have the same qualifications and the same responsible work, and you think they should enjoy the same position and distinction as the Deputy Collector?—Yes. They can be sent to any place and given any menial service, but when they have the same qualifications and are gazetted officers, why should they be placed so low?

38801. You complain of overwork and ask for the strengthening of the Provincial Service in both its branches?—Yes; we are very hard worked; we work all day long.

38802. How many hours on an average do you work each day?—We sit in Court from 10-30 to 5 and sometimes to 6, 7, and even 8, doing the work which is concerned with witnesses, pleaders, and so on. All the other work we do at home.

38803. You think that the burden of work should be distributed over more shoulders?—Yes.

38804. Are those long hours due to an increase in the number of cases or to the increased time that the cases take?—Both to the increased number of cases and the time taken for each case. We have now a stronger Bar and cases take a much longer time than they used to take before.

38805. You complain about confidential reports. You say that the officers have to serve several masters, as transfers in the Service are more frequent than in the judicial service. I take it you mean that various views are sent in with regard to the officer?—Yes. The frequent transfers place them under different sorts of masters, and one has got one sort of view and another sort of view.

38806. Can you suggest any alternative means whereby Government may become informed as to the merits of officers other than reports?—The Government may devise any means to acquaint itself with the merits of its officers but the officer should be informed whenever any defect is reported or there is any complaint and should be given an opportunity to explain.

38807. But it is not always a case of complaint: there must be a general opinion about an officer, his merits, and his position?—They may keep such information secret; but

sometimes they find fault with a man for some defect on his part and they do not inform him about it. That is done in the judicial too, where a man is not informed of the character he holds, but the High Court gives him opportunity to explain when especial report is made against him.

38808. You are in favour of a time-scale?—Yes.

38809. And you would like to see the time scale throughout the grades?—Yes.

38810. But you would also accept one in two compartments, one for the lower and one for the higher grades?—I do not wish to have that.

38811. Do not you think that at a certain stage, if it could be done, it is better in the interests of efficiency of the Service that there should be selection?—As far as our Service is concerned it is very difficult to find out who is efficient and who is not efficient. Of course if an officer commits an error he is punished, but generally it is very difficult to find out who is a good officer and who is a bad officer.

38812. But still if you had a time-scale throughout, from the lowest to the highest, without any selection, would not there be a risk of the general standard of energy decreasing?—I do not think so.

38813. You say in answer to question (31) that no officers take leave either for rest or for recreation?—The best example I can give is of myself. I once took twenty-eight days' privilege leave, and at another time five days, and at another time five days; that is all. I was confirmed in the Service at the age of 31, and there has been always a difficulty in trying to complete my twenty-five years' service.

38814. What is the reason that you have not taken more leave?—If I take privilege leave now for a month, if I require privilege leave later on I shall not get it. I must take some leave which would be calculated for my service for pension. Then the pay is so low that it is very difficult, and also allowances are low.

38815. You would like to see higher pay during the period of leave?—Yes.

38816. What period would you like to see on full pay?—We now get half-pay leave for one month and Executive officers get full-pay leave. Generally speaking, we have no privilege leave.

38817. What would you suggest?—We should get full-pay privilege leave for one month after 11 months' service and be allowed to accumulate without being lapsed and without any restriction.

38818. (Sir Murray Hammick.) In answer to question (30) you speak of the people appointed to listed posts having only two-thirds the pay of the Indian Civil Service?—They do not even get that.

38819. When you take over a listed post do you generally take the house of the officer whom you are relieving?—Yes; we must take his house.

38820. Very often it is a house that a European has occupied?—Yes.



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38821. And you have to pay the rent for that house?—Yes, which means from Rs. 100 to Rs. 150.

38822. And you have to maintain the traditions of the appointment?—Yes; we must have a carriage and horse, and so on.

38823. And I suppose you must do some entertaining to keep up the character of the Judge?—Yes.

38824. That is the reason why you want the additional pay?—Yes.

38825. In answer to question (43), you say that in the case of officers of the Provincial Civil Service holding listed posts the maximum pension should be Rs. 9,000. That is a higher pension than anybody draws out of the Civil Service. Would not you be satisfied with Rs. 6,000?—The Civil Service pension should be raised.

38826. Would not you be satisfied with something less than Rs. 9,000? What is the pension you draw now?—Rs. 5,000.

827. Some officers have suggested that they should get for listed posts the extra Rs. 1,000 that some officers get now in other Services. Would not you be satisfied with that?—That would be rather too small.

38828. What is the meaning of this phrase in your printed statement: "The Postal Life Insurance system may be extended so that one may insure his life for Rs. 10,000"?—At present we can only insure our lives in the Postal Department for sums up to Rs. 4,000.

38829. You would like that extended to Rs. 10,000?—Yes.

38830. (Mr. Fisher.) You have had a long experience of the Provincial Civil Service and should be able to say whether the character and ability of the Service continue to improve?—Yes.

38831. Do you think it is attracting an increasingly qualified set of men?—Decidedly.

38832. Are you put to any considerable expense for the purchase of Law books?—No. Personally I do not purchase them.

38833. Have you a Law Library?—We have a Government Law Library.

38834. And that supplies all your wants?—Yes.

38835. (Mr. Abdur Rahim.) You said that outside the Court hours your mornings are occupied with judicial work?—Yes.

38836. What other judicial work?—Writing out judgments.

38837. Is that every day?—Almost every day.

38838. Do you write miscellaneous orders at home also?—There are some petty small orders that we write in Court, but the larger orders we write at home.

38839. Do you work also on Sundays?—Sundays are our very life and soul. We are more busy on Sundays and small holidays than any other days. On those days we sit from morning until evening, except for an hour or two for meals, and write very hard. We write out all big judgments on those days.

38840. Do you sit every Saturday in the month except the last Saturday?—We have no such thing here. We sit every Saturday. The

last Saturday holiday is only for the Executive officers.

38841. Not for the Judicial officer?—No. We seldom get casual leave either.

38842. You have also to work on your short holidays?—Yes. We only enjoy the long vacation holidays. All our other holidays are taken up with work.

38843. How long has this state of things been prevalent?—It has been prevalent as long as I have been in the Service.

38844. Is it not a fact that the health of the officers deteriorates very rapidly?—Yes. It is rather an extraordinary thing that some of them keep in good health, but most of them are suffering from diseases of the head or paralysis.

38845. This complaint of overwork I suppose is a very old thing now?—Yes.

38846. Has any attempt been made to remedy it?—There was an attempt, but no benefit resulted from it.

38847. Are not additional Munsifs or Additional Subordinate Judges appointed from time to time to relieve the congestion?—Yes, when it has become impossible for one man to go on with the work.

38848. You think those remedies are not adequate?—No.

38849. Have you any idea of what ought to be the increase in the staff of Munsifs and Subordinate Judges?—That requires consideration.

38850. Is that question new under consideration by the High Court?—No, not as far as I am aware.

38851. You talk of confidential reports on the executive side: is there any complaint on that score in your Service?—No.

38852. Some of the witnesses have told us as a matter of fact that if there is any particular matter against a member of the Subordinate Executive Service he is told what is wrong and asked for an explanation?—As far as I am aware, some friends of mine about whom reports were made were not told.

38853. Are you told in your Service?—Yes, we are either told or at once punished. They get information somehow or other.

38854. You do not draw full pay during privilege leave I understand?—No.

38855. Have you got any privilege leave?—It is called privilege leave, but we only get half-pay.

38856. Privilege leave is allowed to members of the Executive Service, one month in the year?—Yes.

38857. Of course you have the vacation?—Yes, the long vacation, and they have also got their vacation. We get a little more than they do.

38858. What do you get?—We get one month.

38859. What do they get?—They get about fifteen days.

38860. You do not get even 15 days on full pay, do you?—No.

38861. So that there is the same inequality there?—Yes.

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[continued.]

38862. What are the districts which are under-manned so far as the judicial service is concerned?—I cannot say exactly. Recently some Additional Subordinate Judges have been appointed. The heavy districts are Muzaffarpur, Patna, Shahabad, Bhagalpur, and Gaya.

38863. You are proposing an additional grade of Rs. 1,500?—There was one post of Rs. 1,500 in our grade.

38864. You mean there was a Small Cause Court Judgeship at one time?—Yes.

38865. How long has that been abolished?—Since about 1892. The Munsifs were increased and some of the Small Cause Court Judgeships abolished.

38866. How many such appointments were there?—There was none in Bihar.

38867. There was only one in the whole Province of Beugal?—In Bengal there were one or two called the Moving Small Cause Court.

38868. That is very ancient history?—Not very ancient, after the previous Service Commission.

38869. Are you suggesting a Small Cause Court Judgeship when you propose a grade of Rs. 1,500?—Not actually so. From the Judicial Service one Small Cause Court Judge is taken in Bengal for the Calcutta Small Cause Court, but we have not a Small Cause Court Judge of that kind here. I am suggesting for a regular grade.

38870. This Province is only just created and you have not a High Court here yet?—No, but we must ask for it.

38871. I thought this was a regular grade?—It is a regular grade. Here I do not think we should have that sort of Small Cause Court such as we have in Calcutta.

38872. How many appointments do you propose for that grade?—Four. I do not see why we should not have them. Our work is increasing, as I have shown in my table, and the amount of Court-fees derived by our labour is very great. I do not see why we should not get something to compensate us for our hard work.

38873. Do you want to confine this to Small Cause Court work?—Not at all.

38874. It is to be a grade in the Subordinate Judicial Service?—Yes.

38875. How long has the system of investing Subordinate Judges with Assistant Sessions Judges' powers been in existence?—For about fifteen years.

38876. How many Assistant Sessions Judges are there appointed from the ranks of Subordinate Judges?—Two in this Province. There are two listed posts.

38877. It is only a sort of stepping-stone to the District Judgeship?—Yes.

38878. Has he got independent jurisdiction or does he try only sessions cases made over by the Sessions Judge?—He tries the cases that are sent to him.

38879. Are Munsifs appointed Assistant Sessions Judges or only Subordinate Judges?—Only Subordinate Judges. No Munsif has been invested with that power yet.

38880. Supposing the listed posts were to remain, would not you advise that men should be selected at a younger age than they are at present for the listed appointments?—Yes.

38881. Supposing an attempt was made to select from the ranks of the Subordinate Judges and Munsifs capable officers, do you think that would meet with the approval of the Service?—Yes. Why not?

38882. You do not suggest there would be grumbling on the part of those senior men who had been passed over?—Grumbling there will always be, and that would not tend to improve the Service, but those who grumble now might get a chance when it was introduced.

38883. You think on the whole it would be popular with your Service?—Yes.

38884. After what period of service do you think selection ought to be made?—The first grade of Munsifs.

38885. At what age is that grade reached now?—At present we reach Rs. 400 in about 13 or 14 years.

38886. Do Government Pleaders often appear in your Court?—Yes.

38887. Are they generally men in large practice, men of the first rank of the Local Bar?—Generally I see two sets of Government Pleaders, the Public Prosecutor and the Pleaders in civil cases. The Public Prosecutors are not very senior officers generally.

38888. Are not Government Pleaders and Public Prosecutors combined in most cases?—It varies in the districts.

38889. Are there many districts in which there are two separate officers?—Yes; in Manbhum one man does the work of both. In Monghyr we have one pleader who is both a Public Prosecutor and a Government Pleader.

38890. Is the Public Prosecutor allowed to have private practice?—Yes.

38891. When there are two officers the Government Pleader is generally a senior practitioner, is he not?—The Government Pleaders in Civil cases are men in good practice, but when the Public Prosecutor is appointed he is not very high in practice nor a very senior officer.

38892. I suppose Government Pleaders are selected from the capable members of the Bar, who are not perhaps senior men?—They try to pick up able men for Government Pleaders.

38893. Is it an appointment very much prized in the districts?—Yes. Their status at the Bar is raised.

38894. In most of the districts of this province is the Bar a competent Bar?—Yes, the Bar is competent now, but not so competent as in Bengal.

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[concluded.]

38895. The Patna Bar is strong?—Yes.

38896. Is the Gya Bar strong?—Yes.

38897. And Bhagalpur?—Yes.

38898. And Muzaffarpur?—Not so strong as it was.

38899. Can you tell me whether a certain number of appointments can be made direct from the Bar to District Judges?—I am not in a position to say how that would work.

38900. You mean the experiment has not been tried?—Yes. A Pleader who has a good practice would not desire to get into the Service. In the High Court some of the Judges are taken from Pleaders, but they remain within Calcutta where they were appointed. Here, however, they must knock about and stay in one place for two or three years, and I do not think they would like it.

38901. Would the remuneration be attractive to really able men in the district Bars?—I do not think so. A Pleader at Rs. 800 can remain as comfortable as a Government servant with Rs. 2,000.

38902. He can live more economically?—Yes, and more comfortably.

38903. Would the attraction of regular pay and pension and prospects of elevation to the High Court be sufficient to induce really capable men to accept the position?—I have no idea at all. I cannot say anything about it. It requires experimenting.

38904. (Mr. Datta.) You are not satisfied with the two-thirds pay for the listed posts?—No.

38905. Is two-thirds pay given to Judges?—No; they have fixed it at a certain amount which is less than two-thirds.

38906. By how much do you say?—That is a matter of calculation.

38907. Do you know the last grade pay of District Judges?—We get Rs. 1,200 and they get Rs. 2,000.

38908. And two-thirds of Rs. 2,000 comes to more than Rs. 1,300?—That is so.

38909. You say that class representation should be made in the selection of the Provincial Civil Service?—Yes.

38910. Do you know that a Munsif cannot be appointed unless he is a B.L.?—Yes.

38911. Then class representation must mean representation among qualified men?—Certainly.

38912. By a proportion of qualified B.L.'s from the different classes?—Yes.

38913. (Mr. Hussain.) You favour the amalgamation of the Subordinate Executive Service with the Provincial Civil Service?—Yes.

38914. Have you considered the fact that up to a certain time, I think about the time when Sir Charles Elliott became the Lieutenant-Governor of Bengal, these officers were recruited altogether in a different manner, and they were seldom entrusted with the powers of a Magistrate of the third class, and never with the powers of a Magistrate of the second class; they mostly had to do semi-outdoor work, and they absolutely got nothing unless they travelled more than fifteen miles, and then only for the extra miles over fifteen and not for all the miles they travelled? Then came a change of system of recruitment and they are now vested with certain powers. Do you know that they now perform altogether different and superior functions from what they performed formerly?—Yes. During the time of Sir Charles Elliott the B.A. and M.A. were taken in, and he insisted on their passing all the examinations that the Deputy Magistrates passed, and some of the Deputy Collectors in those days were invested with first-class powers even.

38915. Do not you think the discontent on the part of the Sub-Deputy Collectors arises from the fact that they are recruited from the same class of men, similarly qualified, and have to-day exactly the same duty, except for first-class powers? Do not you think the discontent is legitimate?—Surely it is a legitimate complaint.

(The witness withdrew.)

(Adjourned till to-morrow at 10-30 A.M.)

25th March 1913.]

REV. A. CAMPBELL.

## At Patna.

Tuesday, 25th March 1913.

### THIRTY-EIGHTH DAY.

#### PRESENT :

THE RIGHT HON. THE LORD ISLINGTON, K.C.M.G., D.S.O. (*Chairman*).

SIR MURRAY HAMMICK, K.C.S.I., C.I.E.

SIR THEODORE MORISON, K.C.I.E.

MAHADEV BHASKAR CHAUBAL, Esq., C.S.I.

ABDUR RAHIM, Esq.

WALTER CULLEY MADGE, Esq., C.I.E.

HERBERT ALBERT LAURENS FISHER, Esq.

And the following Assistant Commissioners :—

WALTER MAUDE, Esq., I.C.S., Member of the Board of Revenue.

KHAN BAHADUR ASHFAQ HUSSAIN, Deputy Magistrate and Deputy Collector.

NARENDRA KRISHNA DATTA, Esq., B.L., Officiating Additional District and Sessions Judge. Shahabad.

M. S. D. BUTLER, Esq., C.V.C., C.I.E. (*Joint Secretary*).

THE REV. ANDREW CAMPBELL, D.D.

#### *Written answers relating to the Indian Civil Service.*

38916 (1). What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I accept the present system of recruitment by open competitive examination in England for the Indian Civil Service as the best at present possible. The men who come out to India under the present system are, on the whole, highly satisfactory, and this would of itself show that the principle on which they are recruited is generally satisfactory.

38917 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—I would make no difference as to Natives of India. The rule should apply equally to all. An examination in England and a probationary period spent there is equally desirable for all.

38918 (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—Simultaneous examinations in India and in England are opposed to what I consider to be for the best interests of India. Residence in England for a fairly long period is necessary to imbue Natives of India with the spirit which dominates English Administration in India. Where Natives of India mainly fail is in the spirit with which they regard the common people of the country. The stigma of high castes and low castes which dominates those who find their

way into the Service must be discarded before a Native of India can become a successful Civil Servant, and a fairly prolonged residence in England at an impressionable age is absolutely necessary.

38919 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—My opinion is that such a system would injuriously affect the Administration. A residence for a longer or shorter period in England is in my opinion absolutely necessary, for all Natives of India admitted to the Indian Civil Service, and for this the suggested system of recruitment does not provide.

38920 (8). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for admission to the Indian Civil Service by means of (a) nomination, (b) combined nomination and examination, or (c) any other method? If so, describe fully what system you would recommend. In particular, do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?—I do not approve of any departure from the present system of recruitment for the Indian Civil Service. I am opposed to all recruitment of Natives of India in India.

38921 (10). Would you regard any system of selection in India which you may recommend for young men who are "Natives of

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[ continued.

India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?—I consider residence for a longer or shorter period in England absolutely necessary for all who hold the higher appointments under the Government of India, or Provincial Governments. The listed posts should only be filled by such.

38922 (12). Are you satisfied with the present statutory definition of the term "Natives of India" in section 6 of the Government of India Acts, 1870 (33 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter?—I have no objection to the present statutory definition of the term "Natives of India."

38923 (14). What in your opinion is the most suitable age at which junior civilians recruited in England should commence their official duties in India?—Between the ages of twenty-three and twenty-five years.

38924 (15). What age-limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age-limits for Natives of India, and for other natural-born subjects of His Majesty?—There should, in my opinion, be no differentiation between the age-limits for Natives of India and for other natural-born subjects of His Majesty.

38925 (18). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and if so, what posts and for what reasons?—I do consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service. All posts for which expert knowledge is necessary should not be so reserved. The post of Director of Agriculture, for instance, should not be reserved. The highest expert talent in England should be available for it.

38926 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?—I am strongly of opinion that under present conditions, it would injuriously affect the Civil Administration to admit to the higher posts a larger proportion of Natives of India than are at present admitted.

38927 (20). Do you accept as generally satisfactory in principle the present system under which Natives of India are recruited for posts in the Indian Civil Service cadre partly

through the medium of an open competitive examination in England, and partly by special arrangement in India?—I am opposed to all special arrangements in India by which the Indian Civil Service cadre may be recruited. My opinion is that Natives of India, especially those who aspire to Government service, by their home training and environment are devoid of the qualities which alone can make a successful administrator under the British Government in India.

38928 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?—Provincial Service men, as I understand the Service, lack what in my opinion is absolutely necessary, *viz.*, a training in England of a certain duration, and should not, therefore, be promoted to the higher posts.

38929 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one quarter of the listed posts?—No. My contention is that these posts should only be filled by men who have had some training in England.

38930 (27). Is the class of posts listed suitable? If not, in what direction would you suggest any changes, and why?—I have no objections to the class of posts listed, only that they should be filled by men who have had as long a training in England as possible.

38931 (29). Do you consider that candidates recruited for the Indian Civil Service, by open competitive examination should undergo a period of probation before being admitted to the Service?—I am of opinion that under ordinary circumstances a period of probation is not necessary.

38932 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—I am decidedly of opinion that the knowledge of the Indian languages possessed by members of the Indian Civil Service has deteriorated. It appears to me that this is largely owing to the increase of office work thrown on the men early in their service, and to the fact that English is spoken, more or less correctly, by most of the office and court *amla*, and there are always interpreters at hand. As to a remedy:—The examiners should show no leniency. Some members have only a very elementary knowledge of the language, and as they can by the aid of their *amla* get through their work somehow, they pursue language study no further.

*Written answers relating to the Provincial Civil Service.*

38933 (53). Do you consider that recruitment for a Provincial Civil Service should ordi-

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[ continued.]

narily be restricted to residents of the Province to which it belongs?—Yes.

38934. (65). Have you any other proposals to make in regard to the Provincial Civil Service not covered by your answers to the above questions? If so, please explain them?—My contention is that the common people are not yet prepared for an increase of Natives of India in these services. The men who find their way into the service have as a rule no sympathy with

the peasantry of the country. They are high caste men who consider the lower orders as created to serve them, and the lower orders think that men of their class, as in the past, so in the present, consider them as material for exploitation. What is wanted is that men in the higher posts should regard the lower orders as having equal rights with themselves, and that the lower orders should be educated so that they may know sufficient of the results of English training to trust these men.

THE REV. A. CAMPBELL called and examined (*in camera*).

38935. (*Chairman*.) You are a missionary of the Scottish Church to the Sonthals, and a member of the Legislative Council, are you not?—Yes.

38936. My colleagues and I have asked you to come and answer the questions which the Commission have to put to you in private, on account of certain statements you have made in your replies to the printed questions. They are matters concerned with the inter-relations between races and communities and castes; and we have realised that we can serve no useful purpose by giving publicity to any opinions expressed adversely or otherwise upon them. For this reason we have decided to take your evidence *in camera*?—But, I trust you do not consider these things unimportant?

38937. No; I do not say that. All I say is that it is very important that nothing should be said or reported which would be likely to accentuate racial distinction and feeling throughout the country?—Yes, I quite understand that.

38938. We have previously found ourselves obliged to take the same course. Will you tell us, Dr. Campbell, what position you now fill?—I am a missionary.

38939. You are carrying on your missionary work in the Sonthal country?—Yes, in the District of Manbhum, Chota Nagpur.

38940. How many years have you been engaged upon this work?—Forty-one years.

38941. Has that long period been devoted to this particular area, or have you been elsewhere?—No. I was seven years in Hazaribagh and I have been thirty-four years where I am at present. It is in the same part of the country.

38942. Have you been brought into close contact with the peasantry?—Yes, very close contact.

38943. And also with the educated Indian classes?—Yes.

38944. In your written answers to questions (6) and (65), you lay stress upon the fact that Indian officers are apt to be out of sympathy with the common people of the country?—Yes.

38945. Would you elaborate that a little for us?—Well, the high castes, as you know, regard the inferior castes as untouchables. They will

not come into contact with them. They consider them unclean; and if a high caste man touches one of the inferior castes he considers himself defiled. There is an immense gulf between the higher castes and the inferior castes, which, as far as I know, has never yet been bridged.

38946. Would you be prepared to say, from your own personal experience, that this caste feeling is introduced into the daily conduct and relationship of Indian officers of the Civil Service towards the villagers?—If you take the environment in which these high caste men are brought up, so far as I have been able to make out, they never get over it.

38947. Will you answer the point I have put to you? Have you known of your own experience Indian officers in the Service who have maintained their caste prejudices to the extent you describe, and, therefore, to the detriment of their duty as public officers?—I do not say they do that; but I say the men live two lives. There is the public life and the home life; and the public know them both. They know which is the real life that the man lives.

38948. The point I want to get from you is whether the duties which devolve upon Indian officers in the Public Service are in any way shirked or neglected by those officers on account of caste prejudice?—I say they have not the same sympathy with the lower castes as, for instance, Englishmen have.

38949. Can you answer the question I have put to you, namely, whether the actual work entrusted to officers is being neglected?—I do not say that it is; but it is not so efficiently done as it otherwise would be. There is a want of sympathy; and in a District Officer, I consider that a very important thing. These high caste men are out of sympathy with the lower caste people; and, so far as they are out of sympathy, it affects the work which they do for the public.

38950. You say you are opposed to the recruitment of Natives of India in India to the Service?—Yes.

38951. I take it your chief objection to that recruitment is that it is not followed by a period of probation in England?—That is so.

38952. Would you have any objection to the extended employment of Indians if arrangements could be made to give those Indians a thorough

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education and training in England prior to their entry into the service?—No. If the education were begun soon enough to make it thoroughly effective.

38953. What do you mean by “soon enough”?—The results of environment in which high caste children are brought up are fixed by the time they reach the age of twelve or so, and after that a training in England will not effect much, so far as I can make out.

38954. Would you like to see something in the form of scholarships at the age of 13 or 14?—Yes. I have never thought out the subject as to how it was to be brought about; but my great contention is that the longer the period of training in England the better; and the sooner it is begun the more perfect it will be.

38955. Do you feel that this problem which we are enquiring into is not more one of administrative efficiency, but that it has also an important political aspect which concerns India to-day?—I realise that.

38956. And therefore you would realise the importance of carefully considering the question of better facilities for admitting Indians to the Service?—Certainly. I have no opposition to Indians being in the Service. I think it would be a good thing if we had the proper men. I have no objection to Indians being recruited, and, possibly, in larger numbers than they are at present. But until some new arrangement is made I think the present number should be retained.

38957. By that, am I to gather that you are not satisfied with the class of Indians now in the Service?—I have no objection to the class of Indians.

38958. Have you any objections to the class of Indians who are now in the service and who have gone to England and passed through the open competitive examination?—As far as the training in England has been successful, I have no objection to them; but my contention is that the Home training at present is begun too late to eradicate the results of the environment in which they were brought up.

38959. As regards the Provincial Civil Service, I suppose you are constantly brought into contact with officers in that Service?—Yes.

38960. Have you found that in that service there are officers doing satisfactory work?—They do satisfactory work.

38961. I gather from your answer to question (10) that you would like to see all officers, even in the ranks of the Provincial Service, undergo this training in England?—Yes; for all who hold the higher appointments under the Government of India I think that is necessary.

38962. You do not think anyone should be appointed even to a listed post in the Provincial Civil Service until he has undergone training in England?—That is so.

38963. There might be practical difficulties, might there not?—Yes; probably there are

administrative difficulties. I have not gone into these matters.

38964. Am I to take it that you consider the officers who occupy these positions to be in need of the influence of British environment?—My contention is that they are wanting in sympathy with the lower classes, and the lower classes know that. They soon come to know it.

38965. You think a course in England would rectify that?—Yes, I think it would, to some extent; and if it were long enough I have no doubt but that it would eradicate it altogether.

38966. You complain of the deterioration in the knowledge of the language among members of the Indian Civil Service. You attribute this to the increase which has occurred in the office work. Do you consider that officers to-day are overburdened with work?—I think they are.

38967. Does that imply that in your judgment, there are not enough officers in the Service?—To relieve the men at present in the Service of a great amount of work which they have to do, some more men would be required to be recruited. The men have too much work. They have their reports to write, and they have their Kutcheri work to do, and they have to visit the outlying districts where all sorts of disputes are always arising. I consider that a very important part of a Magistrate's work. If he has got too much office work to do he cannot do that satisfactorily; and it is in instances like that a man shows his sympathy. A sympathetic Magistrate is a great asset to the British Administration in this country.

38968. From your own observation, are you satisfied that the younger members of the European branch of the Civil Service are sympathetic in their dealings with the people?—I believe they are. In my long experience I have not met one whom I consider unsympathetic. If I might be permitted to make a remark with regard to the language, I should like to say that I feel too little is done to encourage officers to get a competent knowledge of the vernaculars. So far as I make out their examinations are held in languages which the ordinary villager does not know. When these ordinary villagers come up to the Court they are at a very great disadvantage. The Magistrate does not know their language and the Pleaders also do not know it; and they are obliged to plead and give their evidence in a language with which they are very imperfectly acquainted. These Pleaders trap them, and make them say things they do not intend to say. In fact, they make them tell untruths simply because they do not know the language.

38969. You are speaking for a particularly primitive district, are you not?—Not exactly. You will find in Bihar that every district has its dialect, and these dialects are very different from each other. You have what they call, down in my part of the country, Hindi, and then the other languages are called Ganwari, the languages spoken in the villages.

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38970. It is comparatively easy, I suppose, to furnish training for the more literary languages, but there would be great practical difficulties in the case of the primitive vernaculars?—The only drawback to their becoming acquainted with these languages is that they are removed so often. They can run the work of the Courts very largely in English by translations. I should like to see some arrangements by which supplementary examinations could be held. A man passes once and he has done with it. I think there should be an examination after a year or two years, after passing the first examination, and these supplementary examinations ought to deal with the dialects of the villages.

38971. And more attention paid to colloquial usage?—Yes. I think that is very necessary.

38972. (*Sir Theodore Morison.*) The tracts in which you live are mostly inhabited by primitive and aboriginal people?—The bulk I suppose are aboriginal; but there are a very large number of people that we call semi-Hinduised aboriginals.

38973. And these aborigines are looked upon as of low caste by the Hindus?—Yes.

38974. Have you found that the Hindu immigrants into this tract exploit the people?—Yes, they certainly do.

38975. In what sort of way, acquiring their land?—They steal their lands. They pile up debt, which I believe has never been incurred; and in many other ways they are exploited.

38976. You have formed your opinion from this class of people. Is it not rather as if we were to form our opinions of Christians from the traders who sell gin to the African savages?—I do not think so. I should certainly say that the men who sell gin to the aborigines of Africa were doing a very grave wrong.

38977. You condemn the piling up of fictitious debt and stealing land from primitive people: that is also morally indefensible, is it not?—Yes.

38978. It stands on the same sort of footing as selling gin and gun-running?—Yes.

38979. What I was going to put before you is that your experience in these tracts has been not altogether representative of all phases of Hindu society?—I suppose not.

38980. And some of the least amiable classes. For instance, you are aware, are you not, of the movement in Hindu society against caste to raise the depressed classes. Have there not been those social reform movements? Have they not been run by people who have not been to England?—My opinion is that that social reform exists largely in the proposal to do so.

38981. You mean to say that it has not had any practical effect?—That is so.

38982. Is this social reform movement in the hands of persons who have been to England?—The social reform movement has not reached my part of the country.

38983. Your reference to home training and the environment of Indians refers particularly to caste prejudice, does it not?—Yes.

38984. Are your remarks equally applicable to those communities in India which have no caste?—I think there is very little difference. As far as I can make out, the Brahmans keep as far away from the inferior castes as they can.

38985. Take Mussalmans who have no caste feelings?—I am coming to the Mussalmans. I believe Mussalmans in this country are ahead of their creed. I believe a Mussalman makes a better district officer than a high caste Hindu.

38986. (*Mr. Abdur Rahim.*) I should like to know about overwork. You say that District Officers are overworked, sending in reports and so on. As regards the writing of reports, do you not know that they are generally drafted by Deputy Collectors?—I can hardly tell whether they are or not.

38987. That is my information. You are not in a position to say?—My information I get from the District Officers themselves. Who drafts the letters I cannot say.

38988. I am talking of reports?—District Officers complain to me that they have too much work of that kind to do. I do not know the inside of the office routine.

38989. You are not quite familiar with the nature of the work?—No; but I take the word of the officer.

38990. To what extent are District Officers assisted in these matters by their Deputies? Perhaps you do not know?—With regard to the reports I cannot say; but in their work, of course, they are assisted. I do not know with regard to the writing of the reports; but I always understood that the Magistrate was responsible for the reports.

38991. As regards case work, the District Magistrate does not try many cases, does he?—No; I think he hears appeals, and also tries a certain class of cases.

38992. Very few, as a matter of fact?—It depends a great deal upon the man.

38993. You do not mean to suggest that in all districts in Bihar the District Officers are overworked?—I believe they are.

38994. Not in all the districts?—Yes.

38995. We had the evidence the other day of one Collector who said that his district was a light district?—"Light" is comparative you know. What one man would think was hard work another man might think was light work.

38996. As regards the knowledge of the vernaculars, do you find that Civilian officers, as a rule, are able to converse with the poorer class of Indians in their own languages?—I have not met a European officer since the Commission in Chota Nagpur was done away with, who could do it. In the old days we had a separate Service for the non-Regulation Provinces. In those days the men knew the languages. They were not overworked.

38997. That was how long ago?—It must be twenty or twenty-five years ago since the last man left India who was in the Commission.



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38998. Since then you find the Civilian officers are not able to converse with the ryots?—That is the opinion I have formed from a very considerable experience of District officers.

38999. Is that also your experience in Bihar proper?—It is all over.

39000. To that extent they would be rather at a disadvantage in understanding and speaking to the people?—They are. The people when they come to Court are put to a great disadvantage.

39001. Quite so. As regards Pleaders instructing men to tell untruths....? I did not say "instructing;" I said "trapping." They put questions.

39002. You mean cross-examination?—Yes, cross-examination.

39003. The object is to find out whether a man is telling the truth?—To make him tell something which would be against himself or the man for whom he is giving evidence. I do not consider it is done to get at the truth.

39004. You referred to disputes arising in the district. To what disputes were you referring?—Disputes amongst the villagers; disputes over land, matrimonial disputes, and a hundred other different kinds of disputes. If the officer has time he goes out to the villages and enquires into these matters locally.

39005. Are they able to arrange these disputes before they come to Court?—Yes. Very often they come to Court first, and the Magistrate goes out and arranges the dispute locally.

39006. After they come to the Court they come to a compromise?—Yes.

39007. (*Mr. Madge.*) You attach a great deal of importance to sending Indians for education and character-training to England?—Yes, I do.

39008. India is in a state of transition, and until the gulf is bridged between East and West, so to speak, is there no risk of a man sent to a foreign country being alienated from his own people, and from a class of wholesome home influences which partly help to mould character?—If you have good home influences, of course that is what we want. But my contention is that the environment in which the high caste people in this country are brought up is not wholesome.

39009. Naturally, we of another religion look upon other religions as different, or even inferior. I am not going into the question of right or wrong, but there is no doubt there are influences at work in India which make for general goodness. Fathers have complained to me, sometimes, and some of the witnesses have said, that a good many people who go to England have turned out bad bargains; that there is a risk of alienation from home influences where a father's and mother's affection for children often protects them from a good deal of evil that might befall them. I am not making any invidious comparison between religion or caste, or anything of that kind; but there is in the very affection of the home and surrounding influences something which makes for good, and contrasts favourably with the evil

temptations and the risks of a foreign country. That has to be taken into consideration?—I do not look at the matter from that point of view. I look at the matter from the point of view of the benefit to the public service. I do not suppose that the percentage of men of that class you speak of is very large. I consider it to be a negligible quantity.

39010. I agree with much that you say. I ask you, have you not heard of cases in which a large number of young people going to England fare badly?—I have not heard of a large number. I know of a certain man who went home to London to pass for the Indian Civil Service, and failed, and he came out with a bag of golf clubs, and had forgotten his mother tongue.

39011. That is the class of person to whom I am referring as being so alienated from his own people?—I do not think there are many of that class; and in a matter of such importance as the one we are considering I think that is a negligible quantity.

39012. While everybody would agree with you that the Indian who went to England and absorbed the British spirit would be a great advantage to this country, you have to take into consideration this alienation from his own people, which I am speaking of. You have to consider that?—You consider that; but, as I have already said, that is a matter, at least, which is not often likely to take place.

39013. You have spoken of the lower classes being in want of sympathy. I suppose you have had evidence of this?—I have evidence for that.

39014. That, of course, as far as it is true, is a great misfortune?—I say an Englishman will raise up a low caste man who has met with an accident, but I have never come across an Indian in the Service who would do it.

39015. In answer to question (18) you say: "I do consider it necessary that certain posts should be reserved by Statute for officers recruited to the Indian Civil Service. All posts for which expert knowledge is necessary should not be reserved." To a certain extent everybody will agree with you, but there is that other class to which I, as a humble individual of the public, belong, who believe that far more necessary than expert knowledge is a certain statesmanship which is required by responsible officers which is far more useful than what you would call professional knowledge in dealing with the masses of people. Have you not heard of expert knowledge in plague regulation raising up a whole district, and a Civilian being called in with his statesmanship to set it right?—That is a different matter. I was thinking of such posts as Director of Agriculture, which, in my opinion, requires an expert.

39016. In your desire to exclude all Indians recruited here you overlook the fact that a good many experienced and responsible officers have said of the Provincial Services that they have been tried and not found wanting: on the contrary, they have been found to be good officers in the

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Provincial Civil Service?—Well, you know, "good" is a matter of comparison. I have laid great stress on what I have already termed sympathy. Unless you have that between the governed and the governor you have not an ideal government.

39017. It is very difficult to attain that ideal?—I admit it is difficult. I have not to deal with that. It is a matter for administrative officers.

39018. (*Mr. Chaulbal.*) With reference to your answer to question (19) you say: "I am strongly of opinion that it would injuriously affect the Civil Administration to admit to the higher posts a larger proportion of Natives of India than are at present admitted." Do you know how many Indian Civil Servants there are in the whole of the country at present?—I knew once, but I could not tell you right off.

39019. I think there are 1,294 in all. Do you know the number of the Indian Civil Servants out of that 1,294?—My reply to the question does not come down to the rank and file of the Indian officials. My reply is as to the Indian Civil Service and listed-posts.

39020. My question is only confined to the Indian Civil Service. There are in all 1,294 Indian Civil Servants in India. Out of those 1,294 do you know how many there are at present who have passed through the open competitive examination in England, and are Indian members of the Indian Civil Service?—No. I regret I cannot say.

39021. Am I to understand, that you make this statement, that a larger proportion than are at present admitted would be bad, without knowing the present number actually employed in the Service?—Well, I have an idea of what the number is. My reply, however, is not affected by the number. My own idea is that until you get the proper men I would not increase the number.

39022. That is not the question. The question is, you do not want to see a larger number than are at present admitted. I want to know whether that statement is made after taking into consideration the present number which is actually employed?—I believe that there is a certain percentage of Indian Civil Servants in the Service.

39023. What is your belief about the percentage at present?—I cannot tell you what it is. It is one-sixth, or something of the sort.

39024. Is it one-sixth? Have you taken care to see whether it is one-sixth?—I did not take care because my reply has no connection with the number of men in the Service.

39025. I do not want to labour the question further, but I wanted to know before you made that statement whether you knew what the whole number was, and what the Indian proportion was?—I know as a general thing, but I cannot tell you exactly how it is. But I must put myself right with you. I do not object to the numbers being increased for the future so long as you can get men of the stamp which I think is required.

39026. With reference to your other answers do you make any distinction between the lower classes and the untouchables?—Yes.

39027. You make a distinction between what are called the lower classes in the autonomy of the Hindu class and the untouchables?—Yes.

39028. Is the want of sympathy which you are alluding to in the higher castes the same towards the lower classes and the untouchables?—I would expect the same.

39029. I do not want expectations. What do you know about it? Do you make any distinction between the want of sympathy which the higher castes show towards what are considered the lower classes, and towards what are considered the untouchables; or is it the same?—I regret I do not catch the meaning of your question.

39030. If you make a distinction between those who are considered as untouchables according to the Hindu Faith, and those who have caste, are of what is considered a lower caste, if you admit the difference between the two, then I want to know whether the want of sympathy according to you which you find, is in a larger degree towards the untouchables and in a smaller degree towards the lower classes?—That is a fact. I believe that to be true.

39031. Have you ever tried to look at the thing from the other point of view? Take the untouchables who form a class of the Hindus—I am not referring to the non-Hindu classes, but take the Hindus who are considered untouchables; what is the feeling of these untouchable classes? Do they consider themselves untouchable, or touchable?—They consider themselves untouchable.

39032. Have you ever had any occasion to see the sort of assistance which they offer to being lifted up?—I have never found them resist.

39033. Take, for instance, where the untouchables at present are not allowed to pollute the water by taking out water from a well. We had in Bombay the other day an exhibition where a man from the untouchable class was actually shivering because he thought it was a great sin to draw out water from the well. All the Brahmans had assembled, and they asked the question; but he thought he was running directly in the face of God?—I can hardly take that in; because what I find is that the lower classes in this country have no idea of committing a sin or an offence against God.

39034. You think that the untouchable classes of the Hindus have no idea of sin?—No.

39035. With regard to this want of sympathy, supposing there was an accident from which one of the untouchables or lower classes had suffered, you say that even an Indian officer of the highest caste will not go out of his way to help him. Can you give me any other instances of want of sympathy?—I was once in the company of a Mr. Mukerji, who was at that time Sub-Divisional Officer of the district I was in. There was a low-caste man, a Bauri, who had done some work for him, and was to receive payment.

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Instead of putting the money into the man's hand, as I would have done, he threw it on the ground, as you would throw a bone to a dog. This poor Bauri had to stoop down and pick up the money he had honestly earned.

39036. That is want of sympathy?—That is want of sympathy. That is the gulf which I find is standing in the way of effective administration in this country.

39037. Would you kindly tell me if it is only in instances of this kind that European officers show their sympathy towards the untouchables?—You know that the way a man speaks to and deals with men is an index to the sympathy which he has with them. For instance, I find down our way that both Bengali and Hindi-speaking people address a low caste man in this way: The Bengali says: "Ori" and the Hindi-speaking person says "Uri." That is a form of address which we in England might call "slavo." That is very common. It always takes place.

39038. That is want of sympathy?—That is want of sympathy. It is considered that these men are so much lower than themselves.

39039. With all your vast knowledge of India you have never come across instances of Europeans clucking coins to Natives?—I have never seen it: I must confess that.

39040. (*Sir Murray Hammick.*) Are you in the Sonthal Parganas?—I am in Manbhum.

39041. Can you tell me how many dialects there are in the Manbhum district?—I know eight of them.

39042. Are those Provincial dialects, or Bengali dialects?—There is one Bengali, and one Hindi. We sometimes come across Urdu, and we have the Hindi Gauwari, and we have the Sonthali and the Karmali, and Mahle, and Koda.

39043. Some Dravidian, and some Aryan?—The first four are Aryan languages, and the second four are not exactly Dravidian, but Kolarian.

39044. And besides that the Sonthals speak another language in the Sonthal Hills?—Those are Paharis. They are not Sonthals. They speak a different dialect. I do not come into close contact with them.

39045. Speaking for yourself, you have been there for many years, and you talk these languages as perfectly as any European ever will, I suppose: do you remember how long it took you, living in the district, to become really on equal terms with the Natives of this district as regards the language?—It was not under ten years.

39046. I ask that because at one time I lived with a missionary in my country in the south, and he used to reproach me for my want of knowledge of the language. He had been in the district for five years, but even after five years he confessed that he could not talk absolutely fluently to the men he met. I want to ask you how you are going to solve this problem? If it took you ten years to master the language, having close, daily intercourse with the villagers, how can

you possibly expect the European Civilian with a reasonable amount of office work to do to acquire the close knowledge of the vernacular you wish him to do?—We have now prepared grammars and dictionaries for these languages, and he has nothing to do but sit down and study them, and exercise himself in the language when he goes out to the villages.

39047. He can do it a great deal better than he does it now, I quite admit. Have you in the Manbhum District come across Indian Deputy Collectors working amongst the people?—Yes.

39048. Do you find that they talk these dialects with the people: do I understand you to say no?—No. It depends where they come from. Very few of the sub-divisional officers speak the Kolarian languages. The Government gives a bonus of Rs. 1,000 to men who pass, but I think, in some way, they limit the number they allow to appear for the examinations.

39049. How long has the present sub-divisional officer been there?—Only about three months.

39050. I suppose he cannot talk the language at all?—He has been in the district of Muzaffarpur, where Hindi and Gauwari are used. He came down to our place where it is Bengali.

39051. So that he really cannot talk the language?—No.

39052. In the last few years that you have been there, have you found that movements have been more frequent or less frequent than they used to be?—They have not been quite so frequent since the Decentralisation Commission was in India. Since then I think it has been the purpose of the Government to keep the Magistrates longer in one place.

39053. You would place great importance on Indian Magistrates being as long as possible in one division?—Yes.

39054. (*Mr. Maude.*) You have spoken of bias in favour of high caste on the part of Indian officers; and, as far as I understand, you have mentioned that bias in dealing with immigrants into your part of the country; that is to say, when there is a case of what you call dikku, which is a term used in Chota Nagpur, it is a case between the aboriginal and the *dikku*. You have referred to the bias by the Indian officer?—I did not use the word "bias." It is not like bias.

39055. It is unconscious, perhaps?—I do not think that, either. I lay nothing to the charge of the Magistrate on the Bench, other than that he is not able to understand the man who comes before him and gives his evidence. That is as far as I go with regard to Magistrates.

39056. In the matter of caste, you have spoken of a want of sympathy we will call it, rather than bias. Have you known (I do not wish you to mention any names) of any individual officers who have exhibited such a want of sympathy: or are you speaking quite generally?—I have, but my reply to this question is, not that

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they do not do so, but that they do not do it to the extent which they ought to do.

39057. You have laid great stress upon the necessity of training in England for all officers who join the Indian Civil Service. Could you tell us what the object and result of that training is, that is to say, what qualities a man gets from being trained at an early age, for a considerable period, in England which he could not get if he was trained out here, and which would fit him more for the Indian Civil Service?—I have come across Indian Civil Servants who have been very good officers, and the training which they get in England had its results. But my contention is this, that that training does not bridge the gulf sufficiently between the Indian Civil Service man and the inferior castes.

39058. What I am trying to get at is the nature of the qualities the lack of which disables them from bridging the gulf?—It is not a lack of the quality. I think it is the presence of a prejudice.

39059. You put it positively instead of negatively. You were speaking of the knowledge of the languages, and you say your experience nowadays is that the officers cannot speak on ordinary subjects to the people of the lower classes in the villages. Would you extend that from your own knowledge to all parts of this province, Bihar and Orissa, or are you speaking more particularly of the parts of the province in which you yourself have had immediate experience?—I know a little of all the provinces, and I know the men who have come down our way and I know what they can do.

39060. Would you go, for instance, so far as to say that the ordinary officer in Tirhut is unable to converse with the villagers on ordinary matters?—Yes; in the villagers' language I would say yes.

39061. To make himself understood by the villagers, and to understand the villagers?—A very little knowledge of the language goes a long way at times; but I do not suppose there are more than a very few officers in the Service who can speak the language of the villagers.

39062. You think that, for his Service and his work among the lower population and the villagers, the ordinary officer is unable to use the language sufficiently to carry out the object of his work?—I say so, yes.

39063. I suppose you have had a good deal of experience of the work in Courts, and of the people coming into the Courts for cases?—I may state that I have been a Magistrate for twenty-five years, and I have had first class powers for eight or ten years.

39064. I want to get at your opinion. Who would your Sonthali people rather be tried by if a case was coming into Court? If there were two officers to go before, one an Indian and the other a European, which would they elect to go before? Or, would they not elect at all?—They do not, generally, have a choice. But I

can tell you this, that they come and sit for a week at my house begging me to take up their cases. I have had to refuse because I had far too many. My position is this. The aborigines think they know the Indian Officers, and they do not trust them. They cannot understand the Englishman, but they trust him right out in any matter.

39065. You have a good deal of personal acquaintance and knowledge of legal practitioners?—I have.

39066. Are they not allowed to come in your part?—Sometimes they come.

39067. Have you ever heard them express any preference as to the kind of officer they would prefer to appear before?—No, I cannot say that I have.

39068. With regard to your answer to question (19) you say: "I am strongly of opinion that it would injuriously affect the Civil Administration to admit to the higher posts a larger proportion of Natives of India than are at present admitted." That refers entirely to the higher posts?—Yes.

39069. It does not refer to the whole rank and file of the Indian Civil Service?—No.

39070. (Mr. Datta.) You have laid great stress upon training in England. You even go so far as to say that persons holding listed posts should have training in England. Have you any experience as to the work done by a Munsif or a Sub-Judge—Civil work?—Yes, I have. I may say that I do not object to Indians doing Civil work. I think that is their province. I do not find any fault with the work of Munsifs and Sub-Judges.

39071. You do not lay stress upon their training in England to do Civil work?—Not so much.

39072. You have laid great stress upon sympathy. I think you are quite right. Unless there is sympathy between the Judge or Magistrate and the litigant, proper justice cannot be done. You are quite right. At the same time, do you not think that the gulf is being bridged nowadays? For instance, did you not hear of that case in the Calcutta Medical College where a Professor wanted new blood for a Muhammadan patient, and a Hindu student held out his hand and cut his vein, and poured new blood into the Muhammadan's body?—Yes, I should say that man was humane; I expect that from Hindus as I would from others.

39073. Does not that show sympathy?—It shows sympathy of a certain kind.

39074. (Mr. Hussain.) You say that men should not be appointed to listed posts unless they have undergone training in England. May I ask you whether you have had actual experience of an officer in a listed post working in the division where you live?—I believe I have. It is difficult for an outsider like me to know who are in the listed posts and who are not.

39075. You have had no experience of an officer drawn from the Provincial Civil Service

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acting as a District Magistrate in the District where you have been?—Not as a District Magistrate, I believe.

39076. Then you cannot say, when a Deputy Collector is selected by Government to the post of District Magistrate, that he has shown any want either of sympathy or tact? You have no experience of that?—I do not know that I have ever met an Indian District Magistrate. Certainly, there has been none in Manbhum. As far as I can think of at present, in the districts around there with which I am acquainted, I do not suppose there has been one. But it is found that a European manages these nondescript people much better.

39077. How can you draw a comparison? You say “much better”; but you have had no occasion to compare?—It is like this. You take that one rupee, and you melt it down: you find there is so much alloy in it, and so much

silver. You take up another rupee, and you say there is so much alloy and so much silver in this. That is a form of argument on which we can go legitimately; and I used that argument with regard to the services of the men about whom we are speaking.

39078. But when Government makes the selection, will you not trust that it is an unalloyed selection?—Not, if it is the same as the other rupee, if the rupees are all alike.

39079. Surely officers can make their selection, and they know what is alloy, and what is not?—They have got to make their selection from the men on the spot. That is where I see the difficulty. One man is like another. They select the best they can get.

39080. They select the man with exceptional qualities?—Yes; but they are restricted by the material they have.

(The witness withdrew.)

MADHU SUDAN DAS, Esq., C.J.E., M.A., B.L.

*Written answers relating to the Indian Civil Service.*

39081. (1) What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I am unable to answer this question in its present form. Competitive examination is a safe principle.

39082. (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—The combination is not to the advantage of Indian interests. An examination on subjects selected with a view to the peculiar needs of the Indian administration would give better results.

39083. (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—In the present unequal dissemination of Western literature and ideas and the unequal appreciation and adoption thereof in the different provinces, a simultaneous examination would lose the character of open competition and is not desirable in the interest of India generally.

39084. (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—I do not view such a proposal with favour.

39085. (14). What in your opinion is the most suitable age at which junior civilians recruited in England should commence their official duties in India?—That would depend upon the time required for the necessary intellectual equipment indicated in previous answers.

39086. (16). What alterations, if any, do you recommend in the authorised syllabus of subjects and marks prescribed for the open competitive examination?—Too much importance cannot be attached to a thorough grasp and appreciation of fundamental principles of law. This will materially alter the character of the administration and ensure its popularity and public confidence.

39087. (17). Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons?—No.

39088. (18). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons?—Yes. Posts which require capacity for organisation and administration of departments. This would practically mean the heads of departments and the work usually done by some of the Secretaries to Government.

39089. (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the civil administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?—Yes. Whatever proportion results from my answer to the immediately preceding question.

39090. (20). Do you accept as generally satisfactory in principle the present system under which Natives of India are recruited for posts in the Indian Civil Service cadre partly through the medium of an open competitive examination in England, and partly by special arrangement in India?—Yes. The system should be retained, but its working should be regulated so as to make it satisfactory.

39091. (22). If the system of recruiting military officers in India for posts in the

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Indian Civil Service cadre has been stopped or has never existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent, in your opinion, should it be adopted?—It is desirable in some cases to have military officers in some political appointments now held by Civil Servants.

39092 (23). Do you consider that such a system should be restricted to the recruitment of military officers, or extended to the recruitment of selected officers from other Indian services?—Restricted to military officers.

39093 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?—It is desirable to retain it.

39094 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or statutory civilians, may be appointed to one quarter of the listed posts?—The proportion ought to be larger.

39095 (26). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—It has been a source of some dissatisfaction.

39096 (29). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the service?—Yes.

39097 (30). If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?—Two years. A study of vernacular literature selected with a view to give an insight into the character of the people of the province, their habits and their wants.

39098 (31). Do you consider that any differentiation is necessary between the course of study for probationers who are Natives of India and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—There should be a difference. Natives of India should spend this period in England and Englishmen should spend it in India.

39099 (33). Do you think it desirable to start, at some suitable place in India, a college for the training of probationers of the Indian Civil Service, and possibly of other Indian services recruited in England?—Very desirable.

39100 (34). Do you think it desirable that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—Yes; please refer to my answer to question (30).

39101 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—No. I do not know if there is any systematic training worth the name.

39102 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—There has been a deterioration. This is partly due to the fact that the ministerial and clerical staff know English and knowledge of the vernacular is not now necessary. Another cause is that the official is not, as a matter of fact, accessible to the masses and does not value direct information from them.

39103 (37). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the judicial branch?—Important branches of law should be prescribed for the examination for the open competitive examination. Those who are selected for the judicial branch should receive a training partly in the High Court and partly by working as judicial officers, Munsifs for instance.

39104 (38). Do you recommend any special course of study in law in India for officers selected for the judicial branch?—They should be required to pass an examination similar to the B.L. degree of Calcutta University. This should be done by examiners appointed by the High Court.

39105 (45). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—Should be abolished, but only as regards future entrants.

39106 (47). Turning now to the case of the statutory civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the service?—This arrangement of two-thirds pay should be abolished.

*Written answers relating to the Provincial Civil Service.*

39107 (52). In particular, are the rules for the recruitment of the Provincial Civil Service in force in your province suitable, or have you any recommendations to make for their alteration?—At present the preliminary standard of general education is the B.A. degree. This should be raised to B.L. There should be a competitive examination among the persons nominated. Half the number of appointments should be given by the result of the examination and the other half should be recruited by selection from among the candidates who succeeded in keeping a certain percentage of marks in the

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subjects in which they are examined. The number nominated should be at least double the number of posts to be filled up.

39108 (53). Do you consider that recruitment for a Provincial Civil Service should ordinarily be restricted to residents of the province to which it belongs?—Yes. Rule V of Appendix A is reasonable, except that part of it which makes three years' residence a ground of eligibility.

39109 (54). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—I cannot answer this question, the reason being that the words "classes" and "communities" are vague.

39110 (55). Are you satisfied with the existing arrangements for the training and probation of officers appointed to the Provincial Civil Service? If not, please state your objections, and what other arrangements you recommend?—I do not know if there are any definite arrangements for the training of Deputy Collectors. They should receive some training for the judicial work they are required to do.

39111 (56). Do you consider that the numbers of officers authorised for the various grades of your Provincial Civil Service are satisfactory? If not, please state your views?—No, not satisfactory. There ought to be a larger number of posts in the higher grades.

39112 (57). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and, if so, in what direction?—In Orissa, members of the executive branch of the service have to do judicial work which in Bengal is done by the Civil Court. The same officer does executive and exercises judicial power in criminal work. It is necessary to have separation of judicial and executive

functions at least so far as this can be done in the selection of officers and the distribution of work. In certain cases Munsifs may be entrusted with the judicial duties under the control of the Collector and District Magistrate.

39113 (58). Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?—There is objection to this terminology in some quarters. It is a matter of sentiment which should have its weight with those responsible for the administration. I cannot suggest any other name. If an alteration has to be made, the feelings of the Service should be consulted.

39114 (59). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—The principle is not sound. The expression "desired qualifications" practically refers to the educational attainments at the time of appointment, but the efficiency of a Service depends on the motives for sustained interest in the duties.

39115 (60). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—Uniform grading in the two services (judicial and executive) is desirable.

39116 (63). Are you satisfied with the present system of superannuation pension for officers of the Provincial Civil Service? If not, please say what modifications you would suggest, and on what grounds?—The maximum ought to be raised.

Mr. M. S. DAS called and examined.

39117. (Chairman.) You are a member of the Provincial Legislative Council?—Yes; and I am a member of the Imperial Council as well.

39118. You represent and are acquainted with the interests of Orissa?—That is not for me to say; but that is my position.

39119. Will you tell us in what main features Orissa differs from Bihar?—It differs very materially in many respects. First of all there is the Government's connection with the land. Orissa is mostly a temporarily settled tract. Bihar is permanently settled, and the language is different. The traditions are different, and the education-level, if I may use the expression, is different, Orissa being behind. Of course, both the sub-provinces, Bihar and Orissa, were associated with Bengal; and both have suffered on account of the neglect under the Bengal Government, but Orissa has suffered more.

39120. In answer to question (6) you say: "In the present unequal dissemination of Western literature and ideas and the unequal appreciation and adoption thereof in the different

provinces, a simultaneous examination would lose the character of open competition"?—Yes.

39121. And therefore it is not desirable in the interest of India generally?—That is it.

39122. Do you mean by this that certain classes and communities would monopolise the appointments?—That is one of the reasons. It is very difficult to say what the effect of that would be and how it would affect popular opinion regarding the administration itself. India is not, up to this day, one country in the sense that it is inhabited by one homogeneous nation. Of course there may be evident marks of public minds aspiring in that direction, but it is not an accomplished fact. As long as race feeling remains, if these higher appointments go to individuals of a particular race, it is more than probable it would be understood that it was the result of a system which, whether intended to effect it or not, had, in fact, produced, unequal advantage to a certain class.

39123. Therefore you do not agree with some witnesses who have come before us, that an



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Indian who passes the examination in England can efficiently take up administration in any part of India?—Of course, my inference is based upon instances which come within my knowledge. I should not like to attach greater importance to my opinion than it ought to deserve.

39124. You would have a minimum number of Europeans in the higher posts of the administration?—Yes, certainly.

39125. Would you be prepared to say what the proportion of Indians appointed should be?—No, I could not say that; because that means working out the details of the Administration.

39126. Would you like to see an increase in the present number?—Yes.

39127. You ask for the abolition of the arrangement by which officers of the Provincial Civil Service holding listed posts receive two-thirds of the pay drawn by the Indian Civil Servants?—Yes.

39128. Do you mean by that they should receive equal pay with officers in the Indian Civil Service?—If they are fit for those appointments they ought to get equal pay.

39129. Would you go further and say that the listed posts should be abolished, and that those officers should be promoted direct into the Indian Civil Service?—Incorporated into the Indian Civil Service as part of it: well, I would not say that. I would give my reasons. I consider listed appointments as an arrangement in the present state of the country. In future there will come a time when there would be a larger number of members in the Indian Civil Service itself. That is the view I take; and, consequently, then it might be necessary to abolish the thing itself altogether.

39130. But you are not prepared to agree with certain witnesses who have advocated promotion direct from the Provincial Civil Service into the Indian Civil Service?—No.

39131. I notice that you disapprove of the merging of the inferior listed posts with the Provincial Civil Service. You observe: "It has been a source of some dissatisfaction." What is your reason for saying that?—My reason on a question like that, is the dissatisfaction. Those people who suffer by it say: "They are not thrown open to us." They say: "There is a Deputy Magistrate who ought to have got Rs. 600," and instead of transferring him into the other cadre, they say: "Here is a post which virtually goes to you." That is an arrangement which is really a sort of blind, and it causes dissatisfaction. They ought to be openly told: "We will not give you these things." That is my view.

39132. The merging of these inferior listed posts with the Provincial Civil Service has meant an increase in certain grades of the Service?—If it is meant to be an increase there ought to be an evident increase, so that the people to whom the increase has been given would understand that it was an increase to them. If those people

do not consider it an increase, and are not satisfied, it is not giving them an increase at all.

39133. We have had evidence in most of the provinces that those merged posts have become part and parcel of the Provincial Civil Service, and that the Service is perfectly contented with them?—That may be. When I say that that is the cause of dissatisfaction, I do not undertake to say that I have consulted every member with regard to it.

39134. You are not prepared to say that there is ground for very great dissatisfaction?—Those words, I am not prepared to accept. There is ground for dissatisfaction.

39135. You would recruit for the Provincial Civil Service to the extent of one half of its appointments by means of competitive examination open to previously nominated candidates. How would you nominate those candidates?—The nomination ought to be in the division or district. Official and disinterested well-known non-official men ought to be a help in making the nomination.

39136. The other half of the Provincial Civil Service would be filled, under your scheme, by selection from among the candidates who succeeded in obtaining a certain percentage of the marks?—Yes.

39137. What object have you for making this suggestion? Do you wish to make provision for representation of communities?—Yes. Communal or class representation is intended to be secured by nomination. It sometimes creates a heart-burning as the person taken in, perhaps, is not the ablest or the most intellectual man amongst the people who are available in that class. To remove that ground I would suggest begin with the class basis, and then further eliminate and leave the appointment to the ablest in the class.

39138. That exhausts your recruitment of the Provincial Civil Service?—Yes.

39139. Do you intend to exclude all Sub-Deputy Collectors from promotion to this Service?—I myself do not consider that there should be that distinction between Sub-Deputy Collectors and Deputy Collectors. If a separate method is introduced for the recruitment of these two services, placing each on a different basis, that would be intelligible; but as it is, they belong to the same class, and have the same intellectual and educational equipment, and it is only by chance that one person gets to be a Sub-Deputy Collector and another person gets to be Deputy Collector. I know a case in which the most intelligent was taken in as Sub-Deputy, and the other, who was recommended as the most hardworking, was taken in as a Deputy.

39140. I take it that in fact your proposal for recruitment is subject to the Sub-Deputy Collector being incorporated into the Provincial Civil Service?—Yes.

39141. Were he not incorporated into the Provincial Civil Service, I suppose you would allow promotion from that class as now?—Of course I would allow promotion.



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39142. What classes of Judicial work which in Bengal, are done by the Civil Courts, have to be performed in Orissa by the Executive branch of the Provincial Civil Service?—Revenue cases, Land Revenue, all cases about zamindars, landlords and tenants. All those cases which are done in Bengal in the Civil Courts are done in Orissa in the Revenue Courts, and they are done by Deputy Magistrates.

39143. That is the difference between the two systems?—Yes.

39144. Could you say what you consider to be a sufficient income to enable an average member of the Provincial Civil Service in Orissa to keep up his position?—That is a very difficult question to answer. My opinion would be based on the necessities of his official position.

39145. That is exactly what I am asking. Can you tell us approximately?—It differs, when he becomes a Sub-Divisional Officer, and when he is in the town; it differs, also, as to the place he is in, house rent, and other things. It is very difficult for me to answer. I would not take the responsibility to answer for a class of people.

39146. (Sir Murray Hammick.) You are a Christian, are you not?—Yes.

39147. You would like to see the number of listed appointments increased?—Your question, as I understand it, is what I should wish; that does not necessarily put upon me any responsibility of knowing as to whether they are really persons who are fit for it, or not. Of course, I would naturally wish to have those appointments increased.

39148. Have you been in any districts where the Civil appointments have been held by listed officers? Have you, in Orissa, listed officers holding posts as Deputy Commissioners?—Not Deputy Commissioners, District Magistrates.

39149. And District Judges?—Yes.

39150. And do you think that on the whole they do their work satisfactorily?—As regards the District Judge, I can say, satisfactorily. As regards the District Magistrate, the opportunities I have, of knowing would not justify me in giving an opinion, except that from the little opportunity I have had of judging I would say that my view would be favourable. I should not, however, like to give it as an opinion, except on the understanding that the opportunities I had of observation were limited.

39151. Referring to your answer to question (16), are you at the Bar?—Yes.

39152. Practising now?—Yes.

39153. When you say that, "Too much importance cannot be attached to a thorough grasp and appreciation of fundamental principles of law," you are referring there, I presume, not only to Judicial officers, but to Executive officers?—To all.

39154. You would agree with one witness who came before us at one place, who said he considered that a knowledge of law was quite as important for the Revenue officer as it was

for the Judicial officer?—It is not the knowledge of law. I should qualify that statement. It is not the same amount of knowledge that a Revenue officer ought to have as a Judicial officer. There is a great difference as regards the extent of the knowledge. What I mean to say is, a respect for the law, to have law as the guide of the person. That is necessary for the Settlement officer, for the Revenue officer, and for everybody. His personal will must be subordinate to law. That is the spirit.

39155. He must have the instinct for being guided by legal principle?—Yes.

39156. And you think that that is quite as important for the Executive officer as for the Judicial officer?—Yes.

39157. And for that reason you would like to see the fundamental principles of law required as part of the test in the open examination in England?—I have not gone as far as that. Where and how that can be done is for this Commission to decide. I am simply in the position of a sick person who goes and tells his symptoms: it is for the doctor to prescribe.

39158. If it could not be guaranteed at the open competitive examination you would insist upon a very strict training in law during the period of probation?—A thorough grasp of the fundamental principles of law is too vast a subject for any person to study thoroughly.

39159. In answer to question (33), why do you desire to have a college in India for the training of probationers instead of a probationary period to be passed in England? You say you wish the college in India to take the place of the probation in England?—It is for this reason that I look upon this connection between England and India as a very peculiar connection, and if you will permit me to use the expression, this is the way that the West and the East have to meet, notwithstanding what many people may think. Secondly, it is not a question of the substitution of the West for the East; but it ought to be an assimilation by the West of the East and by the East of the West. Assimilation means a knowledge of mutual character between the two, and I give necessarily to the Englishman the position of the teacher. I value the British Government, simply because I believe that some day India will rise to the level of England's civilisation, and as that must be the ultimate thing in view, it is absolutely necessary that the Englishman, when he comes to this country, should be in a position to know not only the weak points of the native character, but also its strong points, as it is equally necessary for us to know his strong and weak points, and unless he is in India, he would not have in England an opportunity of knowing that.

39160. Would it not be an objection to the college of yours that there would be very few Indians in it?—Yes; but the college must be as regards the instructive staff,—I should not call

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it an instructive staff but I use the term for want of a better expression—manned by well-known Indian characters who, I mean to say, will give an actually fair specimen of the best of Indian's character.

39161. In your answer to question (36), you say "another cause is that the official is not as a matter of fact accessible to the mass and does not value direct information from them." What do you mean exactly by that? How is a civil officer not accessible to the masses? How is it that he does not value direct information from the people?—That is the state of things that I find; but why it is so I cannot say. As a matter of fact, when a district officer goes to the mufassal on his tour, he meets some respectable zamindars and other people to whom he talks, but I have known times when officials used to actually mix with the crowd and talk to them in a familiar way. I have seen a Commissioner talking to an old woman who gave a pat on his head. But that is not to be seen now. Secondly, he gets his reports through official channels; and within the last 25 years I have noticed (I do not like to take further responsibility and I do not want to go beyond that) the absence of that tendency which existed 20 years before to approach Indians with a view to mix with them.

39162. Have you had any opportunities of seeing an Assistant Collector or a Collector or any other civilian officer for instance when he was on tour in his sub-division or while he was in any of the villages?—No, I have not seen him. I heard that he was in a village within a mile or two and I heard people say that the Collector had been there and when they wanted to speak to him they could not get to him. You hear people say that they could not get to the Collector.

39163. In the way that they used to before?—No. I did not hear that. They said that they could not get to him.

39164. You practise in Cuttack?—Yes.

39165. (Mr. Fisher.) Why do you say in your answer to question (22) "it is desirable in some cases to have Military officers in some political appointments now held by Civil Servants"?—Simply for this reason, that the political appointments are generally appointments in which a person has to do with the ruling chiefs and people of that class.

39166. And you think that Military officers get on better?—Military officers would have better sympathy with their ambitions and traditions and all that sort of thing. They are very sensitive sometimes with regard to their family prestige, ceremonies and rituals.

39167. Have you heard any complaints that Civil Servants do not perform their political functions?—I cannot say that; I should not be justified in saying that. I have heard complaints of want of sympathy for the feelings of these people in matters which are not at all political.

39168. Why do you think that Military officers would be more sympathetic?—Simply because my own experience is that Military officers are more sympathetic.

39169. You mean the officers of the Indian Army?—Yes, because they mix with Indians and that gives them that sympathy.

39170. I notice that you say in your answer to question (16) that if Civilians were better trained in the principles of law this will materially alter the character of the administration and ensure its popularity and public confidence. Are there complaints in Orissa to the administration of justice?—Oh yes; there are.

39171. Is there a feeling abroad that law courts do not command public confidence?—It is not only the law courts. For instance, people who do not preside over law courts actually supply law courts with work. The settlement officer who goes round doing settlement work disregards law and takes away the rights from people to whom they belong and gives them to other people, and thus there is a lot of litigation.

39172. Is it your impression that the Civilians who come out under the present system of a single year's probation in England are more deficient in legal knowledge than those who came out before, when the period of probation was longer?—I cannot say. I am only speaking of old Civilians of 25 years ago and I did not take the trouble to compare their legal knowledge, so that I should not be justified in making the comparison.

39173. You have not heard it said that the legal knowledge possessed by those Civilians had deteriorated?—I have not heard it said. Such a thing could not be said, because very few people would be living now to compare the two.

39174. (Mr. Madge.) You consider in your answer to question (1) that competitive examination is a safe principle?—I say there "I am unable to answer this question in its present form." Only this much I can say—that competitive examination is a safe principle.

39175. What else would you have in a system of examination by perfect safety, so far as you are able to answer at all? What I mean is that any quality such as perfect safety is what is required in a competitive test?—I would ask you to read the whole of my answer. The question that was put to me was "What is your experience of the present system of recruitment by open competitive examination in England for the Indian Civil Service?" My experience tells me that the results of the present system so far as one can judge, so far as an outsider can judge, do not show that actually the men sent out here feel as if they have a mission before them to raise India. So far, the whole system is not according to my ideas. Competition itself is a safe principle, but the Englishman should feel that he does not come only to govern the country because a despot might govern as well, but to raise India so that she might be a part of the British dominions worthily.

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39176. Have you found that difficulty all along in the results of the competitive test or has the difficulty arisen in recent years?—That is more than I can say, because you ask me about “all along” the competitive test and you ask my opinion about all Civilians. I cannot say that.

39177. So far as it has come within your observation?—I have come across men, but I have not questioned them on this point, but as far as one can judge, they have not manifested in their official life a desire to raise India, or in other words they have not exercised the powers invested in them in such a way as to lead one to believe that it was their ultimate intention that these powers should be delegated to Indians in fulness of time.

39178. What I meant to ask you was: so far as the matters that have come to your personal knowledge are concerned, has this difficulty been increasing or is it much the same?—Increasing.

39179. As regards the competitive examination, I have to ask you this question and I assure you not with the view of cross-examining you?—I am quite willing to be cross-examined, but I know you are not going to cross me.

39180. I have asked several witnesses this question. Can you point to any system by which we can capture into public service the class of men who have risen to eminence and who showed both talent and character in independent life? There are several such instances, men whom everybody admires and respects and who have done very well. But we have had the misfortune of not enlisting them. Can you think of any method by which we can enlist that class of men in public service? In other words, it means that you have to detect early in life the germs of the qualities which they disclose later?—I understand what is meant. I should say: why not select boys and send them to England for thorough English education and for the assimilation of English character. It is to that I attach the greatest importance. I give greater importance to character than to intellectual equipment.

39181. You have just expressed the opinion about mutual assimilation. There is such a thing as the genius of the Indian people and if that were Westernised, they would lose a good deal; but the thing is not to Westernise it but to get the best out of it?—Therefore, I purposely use the word assimilation as contradistinguished from substitution. What you say would be substitution. What I mean to say and what I meant to say is not Westernising. I strongly object to it; we cannot Westernise. But assimilation is very different from Westernising. It is really like nature taking in a thing and adapting it to its own use—just like man who eats food which becomes part of his strength and never turns him to an animal.

39182. You want to send young men early in life to England to acquire English character?—Yes.

39183. But those gentlemen that I have referred to have been in India all their lives without going to England?—But then you are talking of cases where India has produced that character and you know it after you see the result. But what you asked me was, what would be the best means to produce that character. You could not say, for instance, in the early life of these men who have become so prominent that they would be so, nor could their parents be given the credit for adopting the means such as they knew would produce that result.

39184. In other words you cannot help us with the method of enlisting such men?—I cannot. I come here as a poor man to tell you what I know; but I cannot help you with methods.

39185. In answer to question (19) you say—“Yes. Whatever proportion results from my answer to the immediately preceding question.” You mean whatever proportion that the responsible Government thinks necessary for a particular period or would you have the proportion defined by Statute? I should like to know whether you think that the proportion should be fixed by Statute or that it should be left to the discretion of the responsible Government from time to time?—I should not fix it by Statute, because it will have to be changed with progress from time to time.

39186. In answer to question (33) you say that you want a College in India for the training of the probationers of the Indian Civil Service. Do you think that you could depend upon a succession of efficient teachers in this country for a long time to come?—I should think so. Of course it will require care in selecting them and the selection need not be confined to a particular town or city. You will have to get the men wherever you find them.

39187. “Yes” or “no” will meet my question?—Yes.

39188. The next question you answer relates to the provision of the training of probationers by Provincial Governments. Do you say that each Provincial Government should have a separate college or that they should simply arrange to send their men to one central College?—One central college would be better.

39189. In reply to question (35), you say “I do not know.” Does this simply mean that you have not acquired sufficient information—has this information been within your reach or did you not think it worth while to acquire?—Undoubtedly not the first. If there had been any system, I think I would have known it. If anything had actually attained the maturity of a system, I would have known it.

39190. You have already been questioned as to the last words of your reply to question (36), as regards District officers not being accessible, and not valuing direct information from the people. I suppose you speak of those who have come within your knowledge and you do not mean to say that you have heard of all District officers throughout?—I cannot say that.

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39191. There are other witnesses who think, as many of us know, that District officers travel from village to village, and there is a class of well-to-do people, of whom you have spoken, who cannot approach the Collector unless they tip the Jamadar. But when the officer travels from village to village there are not those restrictions?—I do not quite follow you.

39192. You have said that India is not one country, inhabited by one homogeneous nation, but at present there is a hope of that in the future. You think that the talk of one nationality and that sort of thing is a bit of a romance?—It is not a romance; I should call it a bit of pleasant foretaste of the hope to be realised.

39193. An intelligent anticipation?—Yes.

39194. You say in answer to question (59)—this is my last question—that “the efficiency of a service depends on the motives for sustained interest in the duties.” As these motives are an unknown quantity, might not an opinion like that be used to challenge any possible system?—Yes. That opinion was given with reference to a particular rule from which two words are quoted. What I say is that when the pay of a certain service is determined by a reference to the qualifications at the initial stage of the appointment, I said that that was not the only criterion by which this should be judged.

39195. Of course, I may be wrong in interpreting your statement. You have put it as an axiom and I wanted to know why you put it in that way?—It is not an axiom at all.

39196. (Mr. Abdur Rahim.) I want some information as regards the state of education in Orissa. Is education making much progress there?—Yes, it is making progress, but we have not had an opportunity to make much progress.

39197. Has the number of graduates increased?—It has increased, but not very much.

39198. How many graduates are there among Uryas?—Now altogether not more than 150.

39199. Are many of them in public service?—Not many, but some of them are in public service.

39200. How many of them are in the Provincial Service?—I should not risk a reply. These things could be got from books. Why should I risk a reply to be contradicted by records.

39201. Is not Orissa a non-regulation province?—No. A large portion of it is out of British India.

39202. It is a regulation province?—Yes.

39203. When you said that officials nowadays were not accessible to the people, I suppose you spoke from your general experience. Is that so?—No. How could I speak from my experience, because I do not call myself one of the masses, but that is what I have heard. It would have been my experience if I were one of them. That is what I have heard from the people.

39204. From your information?—Yes. I have to keep myself in touch with the masses, for certain reasons. They always complain to me “who is to listen to us?”

39205. They complain to you?—They complain to me as the Secretary of the Peoples' Association. I am the Honorary Secretary of the Peoples' Association.

39206. Have you had many complaints of that character?—Yes.

39207. Have the complaints been showing a tendency to increase?—That question I cannot answer.

39208. (Mr. Maude.) In your answers to questions (30) and (33) you suggested that a probationer should spend his time in India; and during that probationary period he should have a course of study in which the vernacular should be taught. Is it your knowledge and your experience that vernaculars are at present better taught in England or in India?—In England they are in one sense better; as a foreign language, it is studied with greater care, as regards its etymology and as regards the history of particular words. But a language, with all that clings round it, in the shape of associations round each word, is never learnt well in a foreign country. That is my answer. In England you can learn the etymology.

39209. What I want to get at is the same thing as you were already asked about—whether teachers in Cambridge, Oxford and similar places are far more efficient than the ordinary teachers who could be obtained in this country?—They are efficient in that direction so far as the philological aspect of the language is concerned, and not in that aspect of it which would make a man more accessible to the people.

39210. Under the present system, when a probationer, or at least a young Civilian, comes to this country, he is put under a selected Collector and he works under him and is sent about to the districts to learn the habits, customs and the languages of the people. Would he not lose the benefits of that if he were sent for two years' probation to a College as you suggest in your answer to question (30)?—If there are benefits in that way, they would a great deal be outweighed by the benefits that he would receive under the other arrangements—benefits, I mean to say, from the Indian point of view.

39211. In your answer to question (37) you have said “those who are selected for the Judicial branch should receive a training partly in the High Court and partly by working as Judicial Officers, Munsifs, for instance.” An alternative method has been suggested, that, after a Civilian has been out for five years in this country, he should be then sent back to England to go through a regular course of training for the bar, study law there and come back to do judicial work in this country. Do you think that plan would be preferable to the plan which you have suggested?—No, not in my humble opinion, for this reason, that you would have a better opportunity here of knowing the law for the better administration in India. No doubt, in England, he would have a better chance of knowing or studying the principles of law; but the difference between the

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principles of law and the principles as applied to the country, which has very little of common law but mostly codified law—bearing that difference in mind, I think the country where you can learn codified law ought to be selected for legal training.

39212. But you have said in reply to question (16) “too much importance cannot be attached to a thorough grasp and appreciation of fundamental principles of law.” Is that consistent with what you said just now?—Quite consistent. You get the fundamental principles of law here. In England you learn the fundamental principles of law, that is, fundamental principles as illustrated in English common law; but here you get the fundamental principles of law as illustrated in the codified laws of India.

39213. In your answer to question (57) you have stated that “the same officer does executive and exercises judicial power in criminal work.” What class of officers do you refer to?—The Deputy Magistrates.

39214. What sort of executive criminal work do the ordinary run of Deputy Magistrates do? I do not mean men in sub-divisional charge or in charge of head-quarters?—I include those cases. For instance, in a District head-quarter—you take a place like Cuttack—where a Deputy Magistrate is always in charge and receives police reports.

39215. That is one Deputy Magistrate?—Yes.

39216. Besides him there are four or five Deputy Magistrates and I want to know what executive and criminal work these four or five officers do?—I did not say that all these officers do executive and criminal work. I simply said that some officers do executive and judicial work.

39217. Your remark does not apply to all officers, but only to one?—Yes.

39218. Out of several?—Yes.

39219. You have said just now that cases in connection with landlords and tenants are dealt with by Deputy Collectors and not by Civil Courts? Is that the case in suits for rent also?—It is.

39220. (Mr. Hussain.) Will you kindly refer to questions (56) and (60). They are very much allied together. As regards the pay, promotion and prospects of the Provincial Civil Service, do you know that the pay of the service materially differs from the pay of the police officers? I mean the Superintendents of Police and Assistant Superintendents, whose pay goes up to Rs. 1,200, while that of Deputy Collectors goes up to Rs. 800?—What is the use of asking my opinion about that? There is the Civil List which will give you the information.

39221. Do you consider that the work done by the Deputy Collectors and Sub-Judges as onerous and responsible as that done by the Superintendents of Police, and that for that reason the members of the Provincial Service should have the same scale of pay as the Superintendents of police have. Before you attempt to answer that question,

I would request you to bear in mind, if you are influenced by the consideration that these Superintendents of Police have to educate their children in England, that, in the case of the Provincial Civil Service people, they have to support a number of poor relatives, near and distant, which an Englishman, as a rule, has not got to do, and also the nature of duties that these two perform?—I may tell you that I am not likely to be influenced by considerations of that nature or how the man came into the post which he occupies. I will certainly answer the question from this position. I find the man there; the nature of the duties is there and what he deserves is the question. Of course the man might have a large family or a man might be a bachelor and has all the comforts of his life for himself. These things must not determine the pay of the post. The question is as regards the nature of the service. As regards the Deputy Magistrates who do judicial work, they have important and responsible work and a good deal of that work consists in examining the matter that is placed before them by the police. They are, in fact, in a manner judges, to a certain extent, and, I should add, judges of the police work and they have to work hard. That I know. But I do not know exactly on what considerations the salaries of these two services have been fixed, and what is the basis for this differentiated pay. But without comparing the two, as comparisons do nobody any good, and are always invidious, certainly, if you take that simply as a standard, the Deputy Magistrates specially appointed to do judicial work ought to get higher pay.

39222. (Mr. Datta.) You have stated in reply to question (24) that it is desirable to retain the listed posts?—Yes.

39223. You have also answered that District Judges, who were taken from listed posts have been very satisfactory. Will you please give the ground for making that assertion?—Because, as a rule, gentlemen who were appointed to District Judgeships have to their credit long experience as judicial officers. A Judicial officer's duty does not consist in knowing the law only, but in his ability to sift the evidence and to apply the law to the acceptable evidence in each case, and consequently the person who is an Indian is always in a better position to judge of the quality of the evidence and also his superiority especially rises to prominence in cases where the customs of people are at issue, and, as a rule, by the time an Indian is promoted to the post of a District Judge, he has got a maturity of judgment and, if I may so express myself, the blood does not run so quick as it does in a young Joint Magistrate, made a District Judge.

39224. Then in answer to question (37) you have stated that “important branches of law should be prescribed for the open competitive examination. Those who are selected for the judicial branch should receive a training partly in the High Court and partly by working as judicial officers, Munsifs, for instance?—Before

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you ask me any questions I must tell you that these are mere suggestions. But the main point is that I want legal training to be had in India.

39225. Do you approve of the idea which was suggested that those who wanted to take a judicial line should be invested first with the powers of Munsifs for two years, and then with the powers of a Sub-Judge for two years, and that in the meantime they would be acting as District Judges from time to time?—In actually adopting a method like that, the cardinal principle that I should stick to is—

39226. Do you approve of that idea?—Will you kindly permit me to explain what I wish to

say. I want to stick to the principle that the training in law should be given in India; but as to whether a person should be invested with the powers of Munsif or Sub-Judge, I think that in matters like that, I should also consult the wishes of the European Civilians, so that nothing may be done which may be unnecessarily unpleasant to their feeling. But certainly the judicial training ought to be done in India. That is my principal aim. If that is acceptable, by all means there is no objection to what you say.

(The witness withdrew.)

DOUGLAS HOLLINSHEAD KINGSFORD, ESQ., I.C.S.; Judicial Commissioner, Chota Nagpur.

*Written answers relating to the Indian Civil Service.*

39227 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—Recruitment by competitive examination is not an ideal system, but in my opinion it has proved a sound working scheme; and though it is open to objections they are not so forcible as those which may be urged against any method which includes selection or nomination. The principle is that you offer prospects sufficiently attractive to ensure a genuine competition by Englishmen of good education; that the result of examination secures from amongst them those with superior intellectual qualifications; and that their nationality and up-bringing supply you with a guarantee that they are suitable material. I think these objects have been generally attained and that the morale of the Service is, if anything, rather higher than could reasonably be expected from the terms offered. Moreover, I believe that the present system enjoys the public confidence to a degree beyond any other which could be substituted, and this fact in itself is of valuable assistance in recruitment.

39228 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—To the question whether the present system of recruitment by open competitive examination is equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty my answer is in the negative. It must be obvious that an Indian candidate who is called on to compete in a foreign country in an examination conducted in a foreign language upon subjects which form the basis of a Western and not of an Oriental education will do so at a great disadvantage. If he overcomes that disadvantage by success in the examination this fact in itself is a striking testimony to his intellectual qualifications while it also indicates some strength of character; and in practice he has the benefit of some preliminary training in England before and after he competes. As to whether the system secures an equally suitable quality of recruits from India and elsewhere I

shall offer some remarks in my answers to other questions. The only alteration I would suggest in the system is the provision of greater facilities to encourage Indian candidates to compete.

39229 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—I understand this question concerns Indian administrative interests, and not those of Indian candidates. I do not know whether the combination of examinations for the Home, Colonial and Indian Services was instituted with any idea that it would improve recruitment for the Indian Service or simply as a matter of convenience. It necessitated an extension of the age limit for the Indian Civil Service Examination by some eighteen months, an alteration which was in my opinion undesirable; but with this matter I deal in my answer to question (15). The chief advantages of the present system are (i) that a combined examination offers greater conveniences both to the candidates and to the Civil Service Commissioners and (ii) that it affords an opportunity of comparing the respective attractions of the Home and Indian Services. The comparison is now-a-days all in favour of the former; for while the Indian Service used to be regarded as the most advantageous, we find that in 1912 only five out of the first twenty successful candidates accepted it.

39230 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—I am not in favour of a system of simultaneous examinations for the following reasons:—(i) In the first place it involves the possibility, and personally I think it is a probability, that in the course of 15 or 20 years the service will be mainly offered by Indians. The financial prospect offered is infinitely more attractive to an Indian than to an Englishman; in the one case it is wealth, in the other it is only a competence. The well-educated Englishman has many avocations from which to choose; the well-educated Indian is almost confined to Government service or the profession of the law. Desire for Government service is extremely keen in India and education is frequently if not generally regarded as a means to that end. The education of most promising

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Indian youths will be specially directed to the examination from an early age. On the other hand, in proportion as the Service becomes officered by Indians it will lose its attraction for Englishmen, with the result that only inferior candidates will compete and therefore fewer will pass. (ii) I am therefore of opinion that the question of a minimum proportion of Englishmen in the Service is bound to arise under a system of simultaneous examinations and how is that question to be decided? It seems to be admitted by the advocates of simultaneous examinations that an English minimum is necessary in order to preserve the British character of the administration. I will assume then for the moment that the Indian officers admitted under the proposed system are sufficiently capable to be entrusted with those posts which are now reserved for Englishmen. It is only upon this assumption that any question of minimum proportion can logically arise, since in its absence it is to be presumed that at any given time there are certain posts which must be held by Englishmen, and on that presumption there is no question of proportion but only of the number of Englishmen which it is requisite to comprise in the Service at that particular time. I therefore make this assumption and will suppose that Government fixes the minimum at one half. This means that half the vacancies are to be filled by Englishmen and half by Indians, and therefore you are to include perhaps ten English candidates, whose marks have been surpassed by some fifty Indians. I can imagine the ridicule and contempt which will be thrown upon the competitive system when it has been reduced to such a farce as this. The first Indian candidate you have excluded under this proportion rule is a man of excellent character and unexceptionable antecedents, whose family has earned high reputation in Government service, a man of good breeding, good manners and good presence, who has gained athletic distinctions. And whom have you brought out in his place to uphold the British character of the administration? Some individual of mean appearance, doubtful parentage, indifferent manners and poor physique. (iii) My next objection is that under a system of simultaneous examinations you have no guarantee as to the capacity of the Indian candidate excepting his intellectual ability. In the Englishmen you have the guarantee implied by his nationality and training. The talk about nationality, racial characteristics, heredity, dominance of character and so forth, arises I think from a desire to give expression to the assertion that the average Englishman has exhibited a peculiar aptitude beyond that of any other nation in Europe or elsewhere for the control and management of foreign people. His administration of India is no exception to this proposition. Whatever there is of discontent or unrest is confined to the literate classes and to a very small proportion of these. The literate class in Bengal numbers only 5 per cent. of the population. The great mass of the people is happy and content and desires no change. The highly literate classes in Bengal have given no proof of the general aptitude to which I refer. It may be that the reason is because they have had no opportunity; the aptitude may be latent

and it may develop; but meantime we have no security that in addition to his intellectual ability the Bengali possesses those qualities of character which would render him an efficient administrator among, for instance, the aboriginal peoples of Central India or the Sikhs and Punjabi Muhammadans of the North-West. I think therefore that it is unreasonable that we should be asked to take these qualities for granted. I have alluded to training. The conditions of the existing examination generally ensure in the successful competitor that he shall be a man of good birth and that his education shall have been on the first lines. This presupposes the formation of his character in accordance with the standard prevalent in the English Public School. Indian educational methods are as a rule adverse to the formation of this tone, and when it exists it must tend to be lower because owing to the cheapness of education there is a large admixture from the lower social scales. (iv) I think it is scarcely necessary to enter into objections as to matter of detail, but there is one point which I desire to emphasise; it concerns the question of *vidv voce* examination. The Commission of 1885 attached great importance to this method of examination, and I think with justice, as calculated to test the readiness, self-reliance and moral courage of the candidate and the value of his written answers. It is obvious that under the proposed system the *vidv voce* examination must be conducted by two different persons, and the result is to import an undesirable personal equation.

39231 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service Cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?—It follows from what I have said on the subject of simultaneous examinations that I am not in favour of any system of separate examination.

39232 (13). Do you recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service? If so, please describe the system that you would propose?—I do not recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service. The public criticism directed against officers of this branch may be summarised thus:—(i) that the Judicial Service does not attract the best men; (ii) that the officers are not sufficiently well-versed in Civil law; (iii) that their Executive training unfits them for judicial duties; and it is proposed to remedy this defective state of affairs by recruitment from the Bar. As regards the first point I would observe that the criticism, though applicable some 12 or 15 years ago, is not so now. At that time there was a general impression that Government relegated its bad bargains to the Judicial Branch, and instances were well known of men being appointed Judges because they were executive failures. The result was accordingly a great disinclination to adopt the branch and great disappointment amongst those who were appointed to it. These conditions were



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naturally favourable to indifferent work. I am confident, however, that they no longer exist. The present system is to appoint the more promising of the junior officers who show aptitude for the work, and owing to the better pay (which averages about Rs. 250 a month in excess of that drawn in the regular line) there is now considerable competition for appointment. As regards the second point, there is no attempt to dispute it, and in my opinion Government is much to blame for not insisting upon a remedy; the question has been tinkered at for years. Up to 1891 the Civilian during his two years of probation received adequate training in civil law and the procedure of the Courts; subsequent to that date the Indian Evidence Act marked the extent of civil law with which he was required to possess an acquaintance. No steps were taken to give him any subsequent training and the result has been that in recent years the Civilian on appointment to a Judgeship has not possessed an adequate knowledge of Civil law. With the question as to the training of Civilians for the Judicial Branch I deal under the appropriate heading, but I desire to express here my opinion that a mistake has been committed and an unfortunate impression caused by extolling a knowledge of law as if it were the only attribute required to constitute a good Judge. No doubt a man cannot be a good Judge unless he can correctly apply the law to the actual facts; but of what use is he as a Judge if he correctly applies the law to facts which he has incorrectly ascertained? Surely the primary requisite in a Judge is that he should correctly ascertain the facts. This is of infinitely greater importance than the application of the law. Misapplication of the law can be corrected by the Appellate Courts, which upon the other hand are only too ready to accept the findings upon facts. As a Judge of facts I consider the unprofessional English Civilian (whether a member of the Covenanted or Provincial Service) to be very considerably superior to the professional lawyer class of Munsifs and Subordinate Judges. The former often go astray as to the law from a preference for principles of what they call equity, meaning thereby common fairness and justice—a system which commends itself very favourably to the litigant because he understands it; but in general they exhibit a burning desire to ascertain the facts and often put themselves to considerable pains in order to do so. My complaint against the lawyer Judge, whether Indian or English, is that by virtue of his training and attitude of mind he frequently fails to estimate evidence at its proper value and too often devotes a cursory attention to the facts because the natural bent of his mind lies towards the discussion of subtle and intricate points of law. I have received in appeal from lawyer Munsifs on points of fact decisions of which I believe an English Judge would be incapable. Before leaving the point as to the insufficient equipment of English Civilian Judges, I should like to observe, that while it has been the subject of considerable public criticism, none, so far as I have seen, has been directed to the fact that

Indian Subordinate Judges when appointed to act as Assistant Sessions Judges, have to dispose of important Criminal cases without possessing any experience whatever of Criminal law. The third point of criticism to which I have to refer is that the Executive training of Civilians unfits them for the performance of judicial duties. I am so far from adhering to this opinion that I regard it as a heresy of the most pernicious description. I should consider it as nothing less than disastrous if the Judge were divorced from his executive training and thereby from that knowledge of the people which is absolutely essential to the ascertainment of the truth. I assert from personal experience that the Executive training of the young Civilian is an invaluable asset in the performance of his judicial duties. Not only does it teach him the ordinary course of official business and the details of revenue work—matters with which litigation both civil and criminal is often closely concerned,—but whether as Settlement Officer or Sub-Divisional Officer it brings him into intimate touch with the people and acquaints him with their character, customs and habits of thought. It teaches him what mere experience within the four walls of a Court room can never teach him, to sift the true from the false, to detect the fabricated case, to discover the false additions imported into a true case and to know why they have been imported;—in a word, it teaches him how to do justice. Now if competent lawyers, English or Indian, with the requisite knowledge of the people and the requisite administrative capacity, can be procured, I have no objection to their appointment; but I entertain a strong objection to the appointment of any person on the sole ground that he is a competent lawyer. My experience of lawyer Judges is that while they concentrate themselves devotedly upon particular cases they are unconsciously allowing the others to fall into arrears. I doubt whether they appreciate the fact that what honest people require is quick, and therefore necessarily cheap, justice; or the fact that tardy justice is frequently no justice at all. In fact they do not shine as administrators, and in this respect they are certainly inferior to Civilians. I do not think there has been sufficient recognition of the fact—and I assert that it is an unquestionable fact—that the administration of criminal justice in this part of India is more efficient than that of civil. The reason is that the work of the Deputy Magistrates who dispose of criminal cases is closely supervised by the District Magistrate, who does not tolerate any form of dilatoriness or procrastination. The result is prompt disposal of the Criminal business. With regard to civil business a very different state of affairs prevails. The District Judge does what he can, but he is not able to exercise the same degree of supervision over the work of the Subordinate Courts, and he is often deterred from interference by a natural disinclination to bring his administrative into conflict with his judicial duties. The result is that civil suits are prolonged from month to month and from year to year; that the rich litigant obtains adjournment after adjournment and thus exhausts his adversary,



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whose means are expended in the payment of his lawyer and witnesses on every occasion that they come to Court; that an era of what the country people describe as *Vakilraj* (Empire of the Bar) has been inaugurated; and that the administration of Civil Justice has fallen into disrepute. Can we expect that a lawyer Judge, the trend of whose mind leads him to estimate efficiency by the quality of the work which he sees in appeal, will do more to remedy this state of things than a Civilian in whom his training has necessarily inculcated the expediency of administrative efficiency?

39233 (15). If the system of recruitment by open competitive examination in England is retained, please state the age limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—I am of opinion that it is of extreme importance to improve the conditions of the Indian Civil Service, and in this view I am strongly disposed to recommend a reversion to the age limit which prevailed from 1878 to 1891, that is 17-19 years, with this modification, that I would fix the limit at 18-19 on the 1st January. The age of the successful candidate at the time of examination in August will thus be about 19 years. He will then be sent to the University on an allowance of £200 a year for three years, to take the ordinary University Course including an Honours degree. I believe the reduction in age will prove a considerable attraction. The successful competitor will receive his University career for nothing and he will be earning his livelihood in India at an age when he is now probably incurring debt at home. I fix the age at 18-19 because this ensures that a boy will not be taken from school at too early an age for the purpose of being 'crammed.' I do not altogether share the popular prejudice against the crammer, but there is no doubt that the schoolmaster for various reasons did all that he could to dissuade his promising pupils from leaving school for the purpose of being crammed for the examination, and as it was the exception for boys to pass without being crammed, the result was that the schoolmaster exerted a very hostile influence upon recruitment. One of his reasons was that he wanted the boy to complete his education by taking the University course and thereby incidentally to procure some credit for the school. By providing that successful candidates shall take the full University course, I ensure that the schoolmaster will become an active recruiter, and I also encourage him to provide extra tuition and thereby to evade the crammer. My other reason for recommending the full University course and for not recommending any course of Indian law or languages is that I consider it undesirable that a boy should be taken away from his subjects just at the time when they are beginning to afford him some intellectual pleasure and real educational benefit. Specialisation may come later.

39234 (16). What is your experience of the relative merits of the candidates selected under varying age-limits, particularly under the systems in force from 1878 to 1891 (age-limits 17-19 years, followed by two or three years' probation at an approved University) and since 1891 (age-limits 21-23 or 22-24 years, followed by one year's probation)?—I am disposed to believe that while the mental calibre of the average candidate selected under the old and new system of age-limits is much the same, the old system provided a larger number of men of exceptional ability. The reason is, I think, that they were caught young and before they knew their own powers. A man of 22 who has had a distinguished University career is not likely to turn to the Indian Civil Service.

39235 (18). What is the most suitable age at which junior Civilians should arrive in India?—I believe the suitable age for arrival in India is between 22 and 23.

39236 (19). What age-limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age-limits for "Natives of India," and for other natural-born subjects of His Majesty?—In recommending a reduction of the age limit I have not lost sight of the question as to its suitability for Indian candidates. The Commission of 1885 dealt fully with this matter and their recommendation was that the limit should be 19-23. I believe the generally accepted view is that the present age-limits suit Indian candidates well, because they permit of the full University course in India being taken and of a subsequent residence of two or three years in England before appearance at the examination. On the other hand my impression is that at the age of 18-19 the Indian is at a considerable advantage over the English candidate, because an examination of youths at that age is chiefly directed to testing their knowledge; and the Indian has a better memory and acquires knowledge more quickly than the Englishman; moreover his mind at that age is in a more advanced state of development than is that of the Englishman. Four years later when the examination is directed rather to the application of knowledge than to its possession, they compete upon more equal terms. To this extent I believe the reduction in age will favour the Indian candidate; the difficulty is that parents may be unwilling to send their children home at the tender age which the alteration involves, and for this I suggest a remedy in my answer to question (42). I do not recommend any differentiation of age.

39237 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not

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specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well educated young man of the period?—I accept the principle as stated.

39238 (22). Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates? If so, please state them and give reasons?—No differentiation is desirable.

39239 (42). Please add such remarks as you may desire to offer on any points relating to the system of recruitment for Indian Civil Service posts which are not covered by your answers to the foregoing questions?—In reference to my answer to question (19), I have to express the opinion that Indian candidates for the competitive examination would benefit greatly by a longer training in England and by being sent there at a much earlier age. I believe there are many parents who would be willing to send their boys to England at the age of 13 provided Government would accept the responsibility of their education; and with the machinery which now exists at home for such supervision, this matter seems to present no difficulty. I think Government might well offer a limited number of Scholarships to be competed for annually in India by boys of this age, the successful candidates being thenceforward educated at English public schools at Government expense until they are of an age to appear in the examination.

39240 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—I consider that under the present conditions the probationer's course of instruction is generally of little advantage and that it should not be continued.

39241 (44). What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you?—The duration of the probationer's course in England under the system which I have proposed should be three years.

39242 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?—Yes.

39243 (47). Do you consider that probationers should receive allowances during their period of probation? If so, please give the scale and conditions that you recommend.—I think the allowance should be £200 a year, paid subject to satisfactory report as to their progress. Government should also defray the expenses of a call to the Bar.

39244 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and if not, how could this best be remedied?—I think there has been some deterioration

in the knowledge of Indian languages possessed by members of the Indian Civil Service, and I attribute the fact to the following causes: (i) the increase of office work resulting in reduced facilities for association with the people, (ii) too frequent transfers, (iii) more extended use of the English language. The first two reasons suggest the remedy.

39245 (63). Do you recommend any changes in the rules for the encouragement of the study of Oriental languages, and if so, what changes?—The changes which I recommend in the rules for the study of Oriental languages are as follows:—(i) that the proficiency be taken between two and four years' service. The object is to encourage the young Civilian to pursue his study of the language after passing his departmental examination; (ii) that for the same reason the High Proficiency examination be taken between five and seven years' service; (iii) that there should be a suitable limit in the Degree of Honour examination.

39246 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch. In particular, do you favour a system of granting study leave to Europe, and if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?—The only remarks that I have to offer on this subject concern the Judicial branch and will be found in my answer to question (66). As regards the second portion of the question, however, I may say here that I do not recommend any system of study leave to Europe, whether for the purpose of being called to the Bar or with any other object. I do not think that any combination of leave and duty is desirable. If a man wants leave he wants a holiday. If he wants work he may spend his time to much better advantage in India than in England. A year as a Settlement officer will give him experience of infinitely greater value than a course of study in Chambers. If a candidate, during the period of three years' probation which I have proposed, can afford the time to be called to the Bar, I have no doubt he will derive advantage. It is also desirable that during his probation he should attend the Courts and report cases. But I am unable to discern any merit in the proposal to separate a young Civilian from the work which is teaching him a knowledge of the people. What he will gain in knowledge of English law and procedure is a poor set-off against what he will lose. I have no sympathy with the suggestion that an officer acquires any dignity from the fact that he is a barrister. In the course of my experience I have met with only a single individual whose attempts to pass the examination had not been crowned with success. The stupid and ignorant barrister is a well-known feature of Indian Courts and a subject of contemptuous ridicule by the vakils.

39247 (65). Do you recommend any special course of study in law in India for officers

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selected for the Judicial branch?—I do not recommend any special course of study in law for officers in the Judicial branch and I am opposed to the suggestion that they should for that purpose be attached to the High Court.

39248 (66). Do you recommend any special training in subordinate judicial posts for officers selected for the Judicial branch? If so, please give details?—I consider that officers should be selected for the Judicial branch at about five years' service. The preliminary period should be spent roughly as follows:—1½ to 2 years' training for departmental examinations, 2 years on Settlement work, 1 to 1½ years as Sub-Divisional Officer. I lay great stress on the employment in Settlement work, and the work to which I allude is not mere supervision but the actual business of 'Khanapuri' attestation and the decision of disputes. The Settlement Department from a natural disposition to economy in the interests of landlords and tenants is unwilling to employ Civilian agency for this purpose on the ground of its expense; Government should overcome this reluctance by paying the difference. The present system under which junior Civilians are deputed to settlement work for a month or two is a mere farce. At five years' service should come appointment as Munsif and Joint Magistrate, and this ought to be in selected stations where there is a strong Bar. As Joint Magistrate the officer should try a limited number of Criminal cases. The next appointment will be as Sub-Judge and Assistant Sessions Judge, and this will be followed at 10 or 12 years' service by appointment as District Sessions Judge.

39249 (67). Do you recommend any system for encouraging the higher study of law analogous to the rules for the encouragement of the study of Oriental languages?—Yes. I would institute an examination with suitable rewards for that purpose and I would insist upon its being passed as a condition precedent to appointment as Judge.

39250 (88). To what extent are the functions of the officers of the Executive and Judicial Branches of the Indian Civil Service differentiated? Is any change desirable and, if so, in what directions?—I propose to deal generally with this question and to avoid any detailed description of the system existing in this Division (Chota Nagpur) under which certain civil powers are entrusted to Deputy Commissioners. The differentiation of functions of officers of the Executive and Judicial Branches of the Indian Civil Service comes into operation with the appointment of an officer as District and Sessions Judge. Thereafter, except so far as concerns the control of his own and the Subordinate Courts and their establishments, the Judge performs no executive duties. He performs certain quasi-judicial duties in the examination of the work and inspection of the registers of Subordinate Courts. The District Magistrate is generally, and in some districts almost entirely, concerned with executive work. His quasi-judicial functions are of the same nature as those of the Judge. He possesses the following judicial powers:—(i) power to receive complaints, (ii)

power to try cases, (iii) power to hear appeals from 2nd and 3rd class Magistrates, (iv) power of criminal revision, in respect of ordering fresh enquiry into a case dismissed or of reporting to the High Court, (v) power to transfer cases. He also possesses a number of magisterial but not strictly judicial powers under the Code of Criminal Procedure. These are too many to enumerate in detail but they will be found in sections 64, 65, 95, 96, 98, 100, 153, 155, 156, 157, 159, 164, 167, 174, 176, 192, 337, 552, 561 and in Chapters VIII to XII and XIV of the Code. They include power to arrest, to issue search-warrants, to generally control police investigation, to record statements and confessions during enquiry and to take preventive action by way of securing the peace and good behaviour. I believe that in practice the extent to which these duties are performed by the District Magistrate is very slight and my experience is that the tendency generally is to leave the investigation of crime almost entirely under the control of the District Superintendent. The judicial powers possessed by the District Magistrate are also exercised to a very slight extent. He disposes on the average of about 100 appeals, 90 applications for revision and 12 original cases during the year. In 1911 District Magistrates tried only some 400 cases out of a total of 120,000. The work of receiving complaints is nearly always entrusted to the Joint Magistrate or the Senior Deputy Magistrate; and the amount of business connected with the transfer of cases is very small. There has been considerable discussion as to whether these functions should be further differentiated and a proposal has been made that the District officer should be divested of all the powers which I have enumerated and that they should be entrusted to a Senior Magistrate. I am not in favour of that proposal, and the arguments upon which it depends are in my opinion fallacious. They generally centre round the contention that because the District Officer is responsible for the peace of the district and because the Magistrates are subordinated to his control, they are consciously or unconsciously biased in favour of convictions. I think I have stated the argument fairly and I think it requires only to be stated for its fallacy to stand exposed. The fallacy is that the District Officer from his desire to maintain good order wishes to see the innocent found guilty. This is a stupid libel. No one can really suppose that the interests of peace and good order are served by the conviction of the innocent; if such a policy were pursued it could only result in disorder and the disrepute of justice. What the District Officer desires, and desires rightly, is the conviction of the guilty. There is no doubt that Magistrates are occasionally averse to convict and that they pass orders of acquittal upon evidence which amply justifies a conviction. It is requisite to correct this tendency, and if the District Officer on examination of a record finds reason to admonish the Magistrate for an improper acquittal, and the latter subsequently convicts in a case where he ought to have acquitted, that is the fault of the individual and not of the system. It is a fault

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which no further separation of functions can cure, for it will still be the duty of the Senior Magistrate to call attention to cases of improper acquittal. I find as a matter of fact that in 1911 Deputy Magistrates convicted in only 56 per cent. of cases. Benches on the other hand—and they are independent bodies—convicted in 69 per cent. and District Magistrates in only 89 per cent. The convictions in Sessions Courts is 62 per cent. Deputy Magistrates were upheld in 63 per cent. of the cases taken on appeal, and as concerns Civil justice, Munsifs were upheld in 62 per cent. The figures are instructive in several respects but I will comment only on the fact that if the District Magistrate is anxious for convictions he is setting his Deputies a very poor example. Much of the misapprehension upon this matter dates from the time when the District Magistrate was also the Superintendent of Police. The argument then was that the same authority ought not to catch the thief and try him; but in the altered conditions which, as I have indicated, now prevail, the argument does not apply. A great deal might be said upon this subject, but I will deal with only one other aspect of it and that is the question of the maintenance of the District Officer's authority. In the opinion of Sir James Stephen (who was a lawyer and not an Executive Officer) this is absolutely essential to the stability of British rule. I believe that every officer, whether Magistrate or Judge, who is well acquainted with the circumstances of these Provinces, is convinced that the proposed separation must necessarily have the effect of weakening that authority in a very marked degree. Although the District Officer does not make much use of his magisterial powers he is known to possess them, and it is this fact which gives him his prestige; for the Oriental mind attaches very little importance to merely Revenue functions and the highest to magisterial. It will very soon be realised however that he has ceased to possess them when a rival authority in the person of a senior Magistrate is established. I am satisfied that if we deprive the District Officer of these powers we shall deprive him at the same time of the greater portion of that influence which he now exerts for the comfort and happiness of the people. I do not know whether the extent to which a capable District Officer watches over and protects the interests of the tenantry is sufficiently realised. And it should not be forgotten that Government as landlord owes a special duty to the raiyats. It is true that over a large area of the country Government by the permanent Settlement divested itself of its landlord rights in favour of the middlemen who collected the rents; it could not, however, divest itself of its duty towards the tenants; and for the last 50 years it has been engaged in protecting their rights and securing them from oppression by a series of Acts which have developed into a system of model land legislation. It is essential that these people should know that the District Officer has the power to protect them. They are an undeveloped people of extremely primitive habits of life and thought, and the system suits them well. At the same time the union of Executive and Judicial functions is not a system necessarily unsuited to a

people in a condition of more pronounced development; it is not unknown in England.

39251 (105). Have you any other proposals to make in regard to the conditions of salary not covered by your answers to the above questions?—On the questions as to conditions of salary I need only say that I adhere to the opinions expressed by the Indian Civil Service Association, Bengal Branch, in their letter addressed to the Commission.

39252 (117). Have you any other proposals to make in regard to the conditions of leave not covered by your answers to the above questions?—On the questions as to conditions of leave my views are expressed in the letter addressed to the Commission by the Indian Civil Service Association, Bengal Branch.

39253 (124). Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?—My opinion on this point is that expressed in the letter of the Indian Civil Service Association, Bengal Branch, addressed to the Commission.

39254 (125). Do you consider the existing pension rules suitable in the interests both of the Government and of the members of the Indian Civil Service? In particular, what is your opinion of the present rules regulating voluntary and compulsory retirement?—The letter addressed by the Indian Civil Service Association, Bengal Branch, to the Commission, expresses my views on this subject.

39255 (135). Have you any other proposals to make in regard to the conditions of pension not covered by your answers to the above questions?—I advocate the abolition of the present system of deducting annuity contributions from salaries and the grant of a net non-contributory pension of £1,000 a year.

*Written answers relating to the Provincial Civil Service.*

39256 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—I am not satisfied with the existing arrangements for filling the listed posts. The officers appointed are usually in the very latest stage of their service and frequently under extension. Such conditions necessarily give rise to discontent. It is extremely difficult to suggest an appropriate remedy, but I am disposed to think that a rigorous system of selection should be instituted in order to offer encouragement to officers of exceptional merit. The present method seems to be not so much one of selection, as of exclusion of officers who have been found wanting. It might also be feasible to introduce a scheme under which exceptionally qualified junior officers should be admitted into

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the Indian Civil Service after a period of training in England.

39257 (40). Are you satisfied with the existing organization of the Provincial Civil Service? If not, please state what alternative organization you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—There is certainly a considerable amount of dissatisfaction and discontent among the officers of both services with regard to their pay and promotion. A great deal of discouragement is caused by insufficient recognition of good work. There should be a more rigorous system of selection for promotion. In the executive service there appears to be a considerable block and I think the grades require

revision. The judicial service is at a considerable disadvantage with the executive owing to officers not being appointed until they are about 29 years of age. Officers should be admitted to the judicial service as soon as they have taken their B. L. degree, and put to work on probation under selected Government Pleaders for two years. During the second year they should be given officiating appointments. I also think it most objectionable that these officers should have to tout for appointments as they do; it is a system most damaging to their self-respect and no one feels this more than they do themselves. I would offer the vacant appointments to the senior men on the B. L. List. Certificates of character are useless and should be dispensed with.

MR. D. H. KINGSFORD, called and examined.

39258. (Chairman.) You are Judicial Commissioner, Chota Nagpur?—Yes.

39259. How long have you occupied that position?—I have been there for four years.

39260. You approve of the system of open competition and you are generally satisfied with its result?—Yes.

39261. But you admit the drawbacks from which Indians suffer in respect of the distance from their country?—Certainly.

39262. And you would propose, by way of offering them further facilities, the creation of State scholarships, to enable young Indians to go to England?—Yes.

39263. I gather from your answers that you suggest that these scholarships should be offered to young boys of about 13?—I do suggest that.

39264. How many scholarships do you suggest?—Five or six a year.

39265. Do you think that parents would be ready to part with their children at that age and allow them to leave this country for England?—Provided that they had some guarantee that the boys would be properly looked after at Home.

39266. You do not think that there would be any reluctance on the part of parents in parting with their children while so young?—I think not, when the scholarships are so valuable.

39267. We have had varying evidence in regard to this proposal. Some, like yourself, have advocated it as the best means of educating the Indian to British characteristics in administration; we have also had evidence to the effect that in taking a boy of that age to England you would run the risk of divesting him of what is best in Indian character, while British characteristics will be only imperfectly acquired. Have you considered that point of view at all when you made this proposal?—Would you tell me what is the best Indian character of which you may divest him by sending him Home?

39268. It is not for me to describe it and I can only put it broadly as it has been put to us. But I expect that, with your more intimate knowledge of India, you will be able to gather what is meant, as I take it that in your proposal you

do not desire the Indian to become or you do not contemplate that he would become, completely Anglicised?—Not more than an Indian member of the Indian Civil Service now-a-days.

39269. Do you not think that going to England at the age of 18 would enable the Indian to acquire those characteristics as well as at 13?—I think not to the same extent.

39270. You suggest a reduction in age-limit for the competitive examination?—I do suggest that.

39271. You suggest the school-leaving age, 18 or 19?—Yes.

39272. You contemplate that will deter Indians from competing at the examination in England?—I had contemplated that, and the remedy I suggest is the foundation of these scholarships.

39273. We have had it suggested to us that the point that you lay stress upon, namely, giving the Indian a thoroughly British training, might be fulfilled through the medium of a supplementary examination held in India, with the condition that the successful candidate should proceed to England and undergo a training for three years at one of the approved residential Universities. What would be your objection, if any, to an arrangement of that character?—You would have a separate examination for a certain proportion of the candidates that you require every year. The first objection is that it raises the question of proportion, and I do not think that any question of proportion logically arises.

39274. What is your particular objection to a proportion?—I think it is not a question of proportion, but the actual number of superior posts in any province which can at any particular time be held by Indians. This must vary from province to province and from time to time.

39275. That is your objection to the proposal?—That would be one of the objections. The other objections would be what I have indicated in my reply to the question about the simultaneous examinations.

39276. Do you admit that the reduction of the age-limit to 18 or 19, while it would be an advantage to Europeans, would be a serious

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disadvantage to Indians?—In one respect it is and in another it is not, because, I think I have said in my answers, the Indian at that age has a great deal more knowledge than the average Englishman at that age.

39277. Yes, but on the other hand, it would affect his educational career in India?—That is quite true. It would practically prevent him from going up for the examination, unless he had been at Home for some years previously.

39278. In view of the disability that would inevitably be imposed by the reduction of the age-limit, would you consider, that the granting of six scholarships would offer sufficient facilities for Indians to enter the Service?—That is not the only set-off that I propose. I propose that Indian parents might be encouraged to send their children Home at an early age on condition, not necessarily on the terms of Scholarship, but on condition that their training at Home is looked after by some such authority as exists at present for the purpose.

39279. From your full and interesting answer to question (13) on recruitment for the Judicial Branch of the Service I gather that you think that there has been a great deal of improvement of recent years in the personnel of the judiciary?—Yes, I do believe that.

39280. And you are satisfied generally that, on the whole, a good class of officers is being attracted to it?—I think so.

39281. And you desire to see further progress on the same lines, combined with more systematic training?—Yes.

39282. You propose, I think, that the officers should finally select for the Judicial Branch after five years?—Not before five years. I would not object to six.

39283. Then you indicate, in your answer to question (66), I think, the preliminary training, year after year, that you would suggest for an officer who will ultimately enter the Judicial Service?—Yes.

39284. Will not that necessitate a decision on the part of the Civilian, immediately after passing the examination, or rather immediately after his arrival in India?—No. What I have described there corresponds pretty closely to the average training which Civilians get, except that I have stated there that he should have two years' training in settlement work, whereas an ordinary Civilian only gets a few months' training in it. That is a point in which, I think, the training of the ordinary Civilian ought to be altered. I think that all Civilians ought to have settlement training. Therefore, the training that I have proposed for the judicial officer does not vary from what, I think, an ordinary Civilian ought to have, when he comes to this country.

39285. That progressive course which you describe would be identical for both the branches of the Service?—It is so.

39286. You lay great stress on service in the settlement department, as a training for the judiciary?—Yes, I think it is extremely valuable.

39287. In what particular respect do you regard it as very valuable?—Because I know it brings the young Civilian into very close contact with the people and gives him intimate acquaintance with their habits and manners, and it gives him also a great deal of knowledge as to the relations between the landlord and the tenant, and it is with these relations a great deal of litigation in India is concerned. It also gives him an intimate acquaintance with revenue law.

39288. So he becomes well-informed in questions of tenure and revenue law?—I do not lay so much stress on that, as on the knowledge of the people that he acquires.

39289. We have had a great mass of evidence from various witnesses in favour of recruitment either in whole or in part from the Bar. Could you give us your ideas on the subject? What in your experience is the income made by an average successful member of the district Bar?—You mean in the mufassal and not in Calcutta?

39290. Yes?—I do not think that I should like to hazard an answer on that point. No leading barrister appears before me in Ranchi. There are few barristers in this province, except in this particular town, and I have never been in Bankipore as a judge.

39291. Would you say that those in good practice would be likely to be attracted to the position of the District and Sessions Judgeship?—No. I think not.

39292. What would be your opinion as to selecting from Government Pleaders and Public Prosecutors?—By referring to the Bar, I did not know that you were including the Pleaders.

39293. I am asking you about another point which has been brought forward by witnesses specifically—that selection should be made not from the Bar generally, but from Government Pleaders and Crown Prosecutors. Do you think that men could be selected from them, who would make competent Judges? Do you think that men occupying those positions would be attracted to such appointments?—I think many men occupying those positions would be attracted to those posts; but I cannot say that I know more than one or two, not more than two of the Government Pleaders or Public Prosecutors, who would be fit for these appointments.

39294. You are not prepared to give any very definite opinion on that point?—I meant that opinion to be definite. I do not think that the scheme would be successful.

39295. You do not think that the officers who occupy those positions are of sufficient eminence or experience to qualify them to become good District and Sessions Judges?—I should say that it would be very exceptional to find a Government Pleader or a Public Prosecutor, who is fitted for the post of a District Judge.

39296. You speak of the procrastination which marks civil litigation. Can you tell us what system of inspection of subordinate courts is in force in this province?—The District Judge is supposed to inspect the Munsifs' courts under

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him once a year, and also at stated intervals he examines records, a certain number of records taken at random, among those sent in by subordinate courts, and he tests them to see whether there has been any undue delay in disposal. But, of course, it is not possible for a District Judge ordinarily to inspect all the Munsifs' courts once in a year.

39297. Would you say that the judiciary was adequately staffed in this province for that purpose?—You mean the purpose of inspection?

39298. Yes?—I am not speaking of my own province now. I should say that there are many district courts in Bengal, where the work is too much for a single officer to do and where the District Judge has so much work that he really cannot afford any time for the purpose of inspection.

39299. Are you prepared to say that in certain districts in this province there is room for an increase in the staff?—It is difficult to say that there is room for a permanent increase. There are many districts which would benefit considerably by having an Additional District and Sessions judge given to them for a certain number of months every year. I could not name any district where two Judges are required now, instead of one.

39300. There are certain months in which the work is much heavier?—No, on the whole it is not so. What happens is that there are districts where sessions and civil work combined is more than what an ordinary Judge can get through in the year, and therefore the arrears mount up, and when they do mount up, it becomes necessary to send an additional Judge to assist him in disposing of them. I think there are several districts where such additional Judges ought to be sent more freely than now. I do not suggest any reduplication of the existing staff.

39301. Your suggestion is merely for the purpose of giving temporary relief?—Yes.

39302. You argue against the separation of judicial and executive functions and I understand your view to be that the situation has undergone a change and is still changing now?—That is so.

39303. That, for instance, the District Magistrate has steadily been ceasing to do very much active magisterial work?—Yes.

39304. And to a certain extent he is dropping also out of active police administration?—I believe that is the general tendency.

39305. I understand that the reorganisation of the police of recent years has contributed towards it?—That is so.

39306. Do you anticipate, in the future, a time when the police will be exclusively under the control of their own officers?—I do not know whether they will ever come entirely under the administration of the District Superintendent, and entirely outside that of the District Officer, but the tendency has certainly been of recent years for a District Officer to interfere much less with the work of the police.

39307. And there is now much less cause, for any interposition on the part of the District Officer, as compared with what there might have been a year or two ago?—I think that probably is the case. I could not speak from personal experience. I think probably it is the case.

39308. You have not answered in detail the questions regarding the conditions of salary, leave and pension of your service, and you would refer us to the memorial put in by the Bengal Branch of the Civil Service Associations. We have had that memorial before us and it has received and will receive our careful attention. Just to correct my memory, can you tell me whether it differs, to any great extent, from the proposals made by the Government of this province, or would they mainly correspond?—I would not like to trust to my memory; but I think probably they correspond pretty closely.

39309. You have seen, I daresay, the proposals?—I have seen both.

39310. Speaking broadly, do you agree with the proposals of the Government of this province with regard to salary, leave and pensions?—Yes, broadly speaking.

39311. I would like to ask you one more question and that is in regard to the Provincial Service. You suggest the admission into the Indian Civil Service of particularly well qualified officers in the Provincial Service and you also suggest that they should undergo training in England, prior to their admission into the Civil Service?—Yes.

39312. Do you mean by that, that the listed post system should be abolished and that this scheme should supersede it?—No. I suggest it as supplementary to that. I only throw it out as a suggestion, as I am anxious to improve the condition of the Provincial Civil Service, because I look upon that as the proper field for the recruitment of Indians, if there is to be any extension of the Indian element in the superior posts. If there is to be any extension of that element in the superior posts, I would like to see those posts filled by men from the Provincial Service, and I want to improve the conditions of that service, in order to encourage the men who have got into it and also to encourage the best men to take it up. I throw out this as a suggestion. It might be feasible to send very promising young officers to England and then introduce them into the Civil Service.

39313. In other words, if it came to a question of the further admission of Indians into the Service, apart from their admission by means of these scholarships at Home, you would prefer promotions from the Provincial Civil Service, to any form of direct recruitment in India?—I would.

39314. Do you think that the promotion from the Provincial Civil Service of a few selected officers of that service will make for contentment and encouragement among the rank and file of the Provincial Civil Service?—You are alluding now



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to the suggestion that men should be sent Home and introduced into the Indian Civil Service?

39315. What I understand your proposal to be is that men of merit and ability in the Provincial Service should be moved over the heads of their colleagues into the Indian Civil Service?—That is only a part of what I would like to do for the Provincial Service. I would like to introduce a much more rigorous system of selection for promotion than what exists now; and I think it would certainly encourage the men in the Service, the able men in the Service, if you had such a system. My experience is that they get extremely discouraged. What ordinarily happens is that you get a number of really good men into the Service, and that you spoil them by teaching them that it is no good to them to do good work.

39316. You think that the class of men that you have met with in the Provincial Service can compare favourably with those men who have gone through an English training, successfully passed the examination in England and are to-day members of the Indian Civil Service?—I think the class is the same.

39317. What is the intellectual and administrative calibre of men of that class?—You wish me to compare a successful Provincial Civil Service man with an Indian Civil Servant, who has had training at Home.

39318. And has gone through the superior ordeal of the Indian Civil Service examination?—I should say that there is very little difference between them.

39319. (*Sir Theodore Morison.*) I should like to ask you first with reference to your answer to question (13) whether you could give us any evidence which makes you say that the administration of criminal justice in this part of India is more efficient than that of civil. What were you thinking of when you said that. Is it only an impression of yours or it is based upon anything which you can put before us. There is the same thing perhaps when you say further on at the end that the administration of civil justice has fallen into disrepute?—As regards the disrepute into which the administration of civil justice has fallen, I have gathered that impression from the people with whom I have spoken.

39320. They spoke of it as I gather from what you say, as Vakilraj?—Yes.

39321. That might apply to criminal as well as civil justice?—No. In speaking with people with regard to civil litigation I certainly derived the impression that they do not regard Civil Courts as extremely efficient.

39322. You heard complaints as to the extent of arrears in Courts. Is that not a natural grumbling about the law's delay?—I think what I have said about delay and consequent expense has been gathered partly from what I have heard and partly from my own experience. I think it is impossible for a Judge to act in that line for a good many years without forming some opinion as to the effectiveness of the civil litigation which is going on under his direction.

39323. You compare the two, Civil and Criminal litigation that goes on underneath you, and you have come to the conclusion that the administration of criminal justice is more efficient?—I think criminal justice is more efficient in this way: that there is less delay and less harassment to parties.

39324. Is the general impression here that criminal justice is as pure as civil justice?—I do not think that people differentiate the two as regards their purity.

39325. They have equal confidence in the judgments of Deputy Magistrate and those of Munsifs?—I should say so on the whole. Probably there is more confidence in criminal justice, than in civil justice.

39326. Including all the lower Courts?—I am speaking of the lower Courts.

39327. I go to your answer to question (15). Have you considered the suggestion that the State should pay £32,000 a year in allowances to probationers? I put it quite straightforwardly, that the criticism which suggests itself is that this is a large amount of State expenditure on the liberal education of its servants, which they have hitherto been in the habit of finding themselves. Lord Macaulay's Committee gave a general verdict "that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling." I understand that the payment of allowance has always been on the footing that we are paying them to fit themselves for a calling—it is a payment for professional and technical education when they finish their general education; but your suggestion of the payment of £30,000 is for giving a liberal education?—I have a strong impression that in order to maintain the standard of the Service, the Government will have to spend money in some direction, and I suggest that as one of the directions in which money might profitably be spent, in order to maintain the standard of the Service and to improve it.

39328. My difficulty is that you will be in the same state of unpreparedness for professional education, as you are at the present moment. But all that you do now is to transfer to the State the burden of general education?—That is all I do.

39329. But there is no reason to do that, unless you make them better and more efficient servants of the Government of India?—If you get a better class of men, your object is served by spending the money in that way, just as if you spend it on their pay or on pensions.

39330. Have you got a better class of men which has sufficiently marked distinction? Are you able to say that from amongst the people you have known, people who come out in another age are markedly different?—I think I have answered that question. My impression is that there is not much difference to choose between the average men. Under the old system you did get men of exceptional ability, because you got them



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when they were young. But I do not think that under the present conditions, those men, after they had had a successful University career, would have taken up the Indian Civil Service? You got them before they knew their own power.

(Adjourned for a short time.)

39331. (*Mr. Abdur Rahim.*) Have you had any experience of Indians who have been to England at the age of thirteen or thereabouts and have been educated there?—I have had experience of one who has been to England quite young.

39332. Only one man?—Yes.

39333. As a matter of fact there are very few like that?—Very few, indeed.

39334. Supposing that there is a strong objection on the part of parents to sending their sons to England at that age, your scheme of scholarships will not have much chance?—Not in that case.

39335. Have you known many Indians who have received their education in England at the age of 18 or 19, who have stayed there for three or four years?—That roughly indicates the average Indian who joins the Indian Civil Service, I think.

39336. And the Bar too?—It may be. I have a certain amount of experience, but not much.

39337. So that really we have not any data to proceed upon with regard to your scheme giving us better Indians than we now get for the Civil Service?—That I think is so.

39338. And those Indians who do get into the Civil Service may be generally assumed to have properly utilised their time in England?—Yes, educationally.

39339. They are not the sort of men who are likely to be mixed up with any political propaganda or anything of that sort?—I cannot say that at all.

39340. I understand from your answer to question (13) that you consider the profession of Law does not afford a suitable ground for recruitment for District Judgeships?—Not necessarily.

39341. I mean as it exists in this country?—I do not say that you cannot find amongst practising Barristers men capable of acting as District Judges.

39342. I did not confine myself to Barristers?—I include Pleaders also.

39343. Both practising in head-quarter towns, as well as in the Districts?—There are not many I think in district practice.

39344. You would prefer the man who practised in the large centres where you would get a larger body?—Yes. Of course you get a better Bar in a place like Calcutta than you do in the mufassal.

39345. But there are some places in Bihar which have very large and able Bars?—Certainly.

39346. I suggest to you it is possible to find some men in those places quite competent to discharge the duties of a District Judge?—It may

be so, but I have no guarantee that they have the necessary training.

39347. Of course as the experiment has not been tried to that extent there is a certain amount of uncertainty, but if you concede the principle that the profession of Law does afford suitable material for Judges, I should like to know if there is anything peculiar in the conditions of the profession here which would prevent us from acting upon that principle?—I think there is nothing peculiar in the conditions in India. I should like to qualify that by saying that I admit the principle which exists at home of appointing Barristers to be Judges is sound, but I do not admit that the principle of appointing either English Barristers or Indian Barristers as Judges in India is sound.

39348. You mean from the profession of Law?—Yes.

39349. Then it comes to this, that you do not think the profession of Law is likely to provide suitable men for Judgeships?—I think there are plenty of suitable men, but not men whom the pay would attract.

39350. There are no doubt leading men, half-a-dozen men, say, in a place like Calcutta, who would not accept even a seat on the High Court Bench, but excluding those, do you say there are no competent men who would accept the place?—I have no guarantee of a Barrister's competence unless I know what fees he is earning at the Bar. If he is earning very high fees he will not be content to accept the position of a District Judge.

39351. Supposing he is a man of ten years' standing and earning between Rs. 1,500 and Rs. 2,000, would you consider that that gave him sufficient status?—I have no doubt that kind of man would be willing to accept an appointment, but I do not consider that he would be so well qualified for that appointment as a member of my own service who has had the necessary training.

39352. You mean a Revenue and Police training?—Not only Revenue and Police training, but he has had a good deal of Judicial training and he has acquired close and intimate knowledge of the people.

39353. Do not you think an Indian has a knowledge of the people of this country if he is a Barrister or Pleader with some practice?—I do not think the ordinary practising Pleader is in intimate relations with the people of the country. I think the Munsif has to learn a great deal about the people, just as the young Civilian has to. My experience of Munsifs who have had Settlement training is that they are much better Judges of fact than the Munsifs who have not had that training.

39354. Do you say that Munsifs or Subordinate Judges are not good Judges of fact?—I say they are not such good Judges of fact as the Civilian Judge.

39355. Would you say that is the Indian opinion?—I am disposed to think it is.

39356. Would you also say it is the opinion in the legal profession?—I could not say.

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39357. Supposing the opinion of the profession generally is that the men in the Subordinate Judicial Service are as a body very good Judges both of law and fact, would you be prepared to say that is wrong?—I should say it was an exaggerated statement.

39358. Supposing it is the opinion of the High Court too?—That would not alter my view.

39359. And the opinion even of some distinguished members of the Privy Council?—I really do not think the Privy Council are qualified to express an opinion.

39360. The greater part of your Judicial career has been in Chota Nagpur, has it not?—Perhaps if you exclude the time that I was in Calcutta as Chief Magistrate that might be correct. I have been acting almost continuously as a Judge since 1901.

39361. As District Judge?—Yes.

39362. As Chief Presidency Magistrate of Calcutta you would not know anything about the work of Munsifs and Subordinate Judges?—No.

39363. When you say that the Munsifs and Subordinate Judges are not as good Judges of facts as Deputy Magistrates, is that opinion based on any figures, or is it your general impression?—I have no figures to support that.

39364. I suppose you will agree with me that the way Criminal Judges deal with evidence is essentially different from the way in which Civil Judges deal with evidence. The Magistrate's first duty is to see whether a case has been clearly made out by the prosecution, and if he is not satisfied on that point the case ends. The Civil Judge, Munsif or Subordinate Judge has to weigh the evidence on both sides and has to pronounce which is the more reliable evidence?—That is quite true.

39365. That would make very considerable difference in the result of appeals upon facts. If you hear an appeal from a Magistrate's conviction you have to see whether the case for the Crown is beyond reasonable doubt, and if you are not satisfied you can reverse the decision; but if you hear an appeal upon facts from the decision of the Munsif or Subordinate Judge, you have to see on which side the evidence is stronger. So that there is more scope for difference of opinion in a Civil appeal upon facts than in a Criminal appeal?—Surely, in both cases the Judge has two sets of facts before him and he has to decide which is correct.

39366. Is not there a difference?—Certainly, there is a difference.

39367. I am asking this question with reference to the figures you give in answer to question (88). The figures really are not sufficient to convey anything. For instance you say that Deputy Magistrates convicted in 67 per cent. of cases, Benches convicted in 69 per cent., and District Magistrates in only 39 per cent., and you say that Deputy Magistrates were upheld in 63 per cent. of appeal and Munsifs in 62 per cent. I suppose the inference you want us to draw from that is that to the extent of one per cent. the Deputy Magistrates have an advantage?—The rough inference which

I wish to draw is that Deputy Magistrates on the whole are as correct in their decisions as Munsifs.

39368. Is it not really difficult to compare decisions in Criminal cases with decisions in Civil cases upon figures of that sort? It is impossible to come to any conclusion upon them as there is no common basis for any inference to be drawn?—It is only a rough inference and I do not attach great weight to it.

39369. In discussing the question of the separation of the two functions, the real point you make, and it is the only point that has been made so far as my knowledge goes, in defence of the system, is that if you separate the two functions it will tend to weaken the authority of the District Magistrate?—I do not consider that to be my most substantial argument.

39370. May I take it that you would not be inclined to place too much importance on that?—I attach a great deal of importance to it.

39371. Would you say that a Commissioner has not sufficient authority in his division?—A Commissioner comes into very little contact with the peasants.

39372. That may be, but is not his authority respected throughout his division just as much as a Collector's authority is respected in his district?—That comes to this: does the peasant in a particular district think as much of his Commissioner as he does of his District Officer, and my answer to that is, No.

39373. Do not confine yourself only to the peasant. I suppose there are other people to be considered?—Those people who come into contact with the Commissioner officially will think more of him than they do of the District Officer, because he is the District Officer's superior.

39374. Take the influential classes in a district or a division: with them I take it the authority of the Commissioner of the division stands very high?—Theoretically it does.

39375. But is it not so in fact?—No, I should think probably not.

39376. Would you admit that there is room for considerable difference of opinion on that point?—It is a matter on which I would rather you had the experience of an Executive officer.

39377. As regards the peasant, is it not a fact that the man who is really looked up to most by him is the Subordinate Police Officer, more than even the District Magistrate, the Sub-Inspector of Police or even the Head Constable?—Certainly not.

39378. What is the other argument on which you lay stress in defence of this system?—I think no case has been made out.

39379. I want to know what advantage it has. The only advantage you mention so far as I can gather is that it gives him a greater authority. It seems to me it is a refutation?—I think what you say is correct. When I answered you just now I was rather considering the first portion of my answer, and the first portion of my answer is destructive rather than constructive.

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39380. You pointed out that it is fallacious to suppose that District Magistrates would desire a conviction more than was warranted by the case, but there is another argument strongly advanced against the present system, namely, not that a District Magistrate more desires conviction, or that he actively interferes with the trial of cases, but that owing to the fact of his being Head of the Police and also of the Subordinate Magistrates a certain apprehension is induced in the minds of the Subordinate Magistrates that the results of certain cases of importance, Police cases, would be liable to bring upon them the displeasure of the District Magistrate if the cases did not end in conviction. Is not there a belief in the public that such an apprehension does exist in many cases in the minds of the Subordinate Magistrates?—No; I should say that is not the fact, speaking generally.

39381. Do you know that applications are made for transfer in cases where prosecution has been sanctioned by District Magistrates?—I know that applications are made for transfer.

39382. Does not that indicate an apprehension in the minds of the public or the profession that in those cases the Subordinate Magistrates might not discharge their duties with that detachment of mind which they would have if they were not subordinate to a gentleman who is also directing the prosecution?—I do not think it indicates in the mind of that particular accused anything more than a desire to prolong the proceedings.

39383. I suppose you deny that there is really a strong opinion in favour of the separation of the two functions, and that that opinion has been in existence for years?—I do not deny that there is a strong opinion, but I think it is confined to a very small class of the population.

39384. Do you mean those who belong to the legal profession?—The feeling certainly is very strong amongst them.

39385. Do not you think they are the men who are best judges as to whether there is any justification for the apprehension which I have put to you?—I do not think the fact that a Counsel makes an application for transfer is any indication that he really believes that he will not get a fair trial before that particular Magistrate.

39386. I suppose you know that Counsel make applications upon instructions?—Yes.

39387. That would indicate an apprehension in the mind of the accused or his relatives or friends who instructed Counsel?—Not necessarily. It may merely indicate a desire to prolong the proceedings.

39388. Do you know of any cases at all where this combined power has been abused?—Do you mean of any case of miscarriage of justice owing to the combination of Executive and Judicial?

39389. That is what I mean?—I believe there have been cases, but I cannot call to mind any personal experience of a case at the moment. A number of cases were alleged in Mr. Ghose's

Minute but I cannot say whether they were made out or not.

39390. (Mr. Madge.) As no system of recruitment is considered absolutely perfect with reference to test of character, I should like to ask you, as a sort of forlorn hope, whether you have ever thought of any method of recruiting Indian talent and character, such as we observe sometimes in an independent career and think it would be a great advantage if we could obtain it earlier in life in the Service? There are familiar names of men who have been of high character and great talent?—There are men who would have been a great asset if we had had them in the Service; certainly I have met men of that description.

39391. Have you ever thought of any method by which we could get them into the Service of Government?—No, I have not. One generally finds them in positions to which they would find it very difficult to attain in the Indian Civil Service. I have met them as Ministers in the Native States, as for instance Hyderabad, and I doubt whether men of that calibre would be willing to enter the Indian Civil Service.

39392. In answer to question (13) you say you do not recommend any separate method of recruitment for the Judicial branch of the Indian Civil Service, and you go on to say: "I am so far from adhering to this opinion that I regard it as a heresy of the most pernicious description. I should consider it as nothing less than disastrous if the Judge were divorced from his Executive training and thereby from that knowledge of the people which is absolutely essential to the ascertainment of the truth." Have you been fortified in this opinion by the public opinion of Sir James Fitz-Stephen, the eminent Barrister, who was for a time Legal Member of the Government of India, to the effect that the prestige and authority of the British officer are the pivot of British rule in India, and if he does not actually use your own word "disastrous" he uses some adjective equally strong about any change in that direction?—Certainly I have heard that and I refer to it elsewhere in my answers.

39393. If you think it would be absolutely essential that this knowledge should be acquired by the Civilian, is that one of your strongest reasons for opposing recruitment from the Bar? You prefer the results of actual experience in the past to what you think a sort of leap in the dark, however well it may be recommended theoretically?—That is so.

39394. You have told us that you have been a Presidency Magistrate in Calcutta, and of course you are aware that the Collector of Customs exercises a peculiar jurisdiction and the Collector of Income Tax exercises a peculiar jurisdiction. Supposing you were seriously told that this separation of the Collectorate in Calcutta from the Magistracy was an argument that reasonable persons accept for carrying out the separation in the mufassal what would you think of such a statement?—I should say it was no argument whatever.

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39395. Do you think it at all reasonable?—I do not.

39396. Why?—Because the conditions are absolutely different in Calcutta from what they are in the mufassal.

39397. Entirely different?—Absolutely different. You have there a population well able to look after themselves.

39398. You say in your written answers that the great mass of the people is happy and contented and desires no change. Might that refer to the whole system of government as well as to any particular little change we are discussing?—I think it does.

39399. You advocate sending to England young people from this country early in life, and I should like to emphasise the question already put to you as to whether you are aware that there is a strong feeling that you run very serious risks by sending boys home early in life before character has been formed in this country?—I think his character will be better formed at home.

39400. You do not think that early in life when he is impressionable he will be Anglicised to an extent that he would not sympathise so much with his own countrymen?—I do not think so.

39401. He is not on the same footing as an Englishman who comes out here?—Of course he is divorced very much from his immediate caste and family relations, but I do not see any reason why his feelings towards the people in general should be different from what they would otherwise be.

39402. (*Mr. Fisher.*) You said to the Chairman you objected to fixing a proportion between the Indian and English members of the Civil Service. Would you go so far as to say that it would never be expedient to fix such a proportion?—I think it is the wrong way to go about the matter. I do not see how you can logically fix a proportion until you have decided in each particular province what particular posts ought to be held by Englishmen. There is no question of proportion. Of course it ultimately becomes a proportion, but I would not attempt to fix a rough proportion until I had first considered that matter province by province.

39403. Assuming, for instance, that in any given year two-thirds of the places awarded at the London examination were won by Indians, would you then think that the time had arrived to fix a proportion?—I think that matter has been dealt with in some Minute by the Government of India or the previous Commission. Undoubtedly under those circumstances it would be necessary to fix a maximum.

39404. What considerations would guide you in fixing the number of your scholarships? Would you be in any way guided by the average number of successes at the London examination?—I do not think I should go into that, because I admit that the matter had never reached that stage in my mind. I have not considered the number of scholarships that should be given.

39405. It is very difficult to fix the number of scholarships without implicitly fixing a proportion. You must have in your mind a sort of ideal proportion as to the numbers of Indians whom it is expedient to employ in the Service as a whole before you fix the number of your scholarships?—That is so certainly.

39406. In settling the number of scholarships you are not really thinking of the special needs of each particular province; what you are really thinking of is a sort of proportion which ought to subsist between the Indian members as a whole and the English members?—That is certainly a difficulty.

39407. Do you see any great difficulty in principle between offering six scholarships to enable boys to go to London for the examination and offering six places in the Service to be competed for in India? Of course in one case there is more uncertainty than in the other, as a few Indians might not succeed?—My object in recommending the scholarships was to try and induce people to send their children home so that they might get the benefit of a school training.

39408. In other words, that is the vital point of your recommendation. You would not propose a scheme of scholarships if the scholarships were to be awarded at 19 and not at 13 or 14?—The Government have recommended that in this province, but I do not sympathise with it very much.

39409. With regard to classes and communities, would you agree with the opinion that it is more important to preserve the due representation of classes and communities in the Provincial Civil Service than it is in the Indian Civil Service?—I have not thought about that question of proportion of class and community. I have not answered the question, and I would prefer not to give an extempore opinion.

39410. (*Mr. Charbat.*) I should like to know what you think is the object of that small section which you say has for a long time been asking for this separation of the Judicial and the Executive. Do you know what is passing in their minds?—I should not like to offer an opinion as to what it is, but I could give an opinion as to what it is not. I do not think it is the interests of the people at large.

39411. It may or may not be to the interest of the masses, but surely if you are to look at what they think you will say it is not from any motive of self-interest that they ask for a change of venue. If I am a practising Pleader I cannot understand why it should be to my interest to appear before one particular officer rather than before another. So that it seems to me, whether rightly or wrongly, it is a feeling which appears to be genuine although it may be held by a small section?—I could not say whether it was genuine or not.

39412. With respect to your remark in answer to question (13), that it is an unquestionable fact that the administration of Criminal justice in this part of India is more efficient than that of

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Civil, would you specially confine it to this part of India or would you say that it was the same with respect to other provinces also?—I could not say anything about any other province except of course Bengal.

39413. But the general condition of administering Civil and Criminal justice is the same in all provinces, is it not?—I suppose it is pretty much the same.

39414. So that *prima facie* that observation of yours, if it is the result of the system, would apply more or less to all provinces?—I should prefer you to obtain the experience of officers in other provinces about that. I must confine my own experience to my own Province.

39415. Do I understand that "efficiency" in that sentence of yours is practically tantamount to speedy, expeditious justice?—Yes, that is very much so. Speed and cost here mean the same thing.

39416. I thought from the sentence that preceded the observation that the important element of efficiency there seemed to be expedition?—Yes.

39417. Do you not think that the system of administration of Civil justice as compared with that of Criminal justice is bound to be a little slower?—From the time of the institution of the case Civil justice must be slower than Criminal justice, certainly.

39418. Therefore Civil justice is to a certain extent bound to be administered more slowly than Criminal justice?—It is bound to be slower to a certain extent.

39419. The complaint about slowness is due in Civil cases mainly to the difficulty of bringing up the witnesses at one time in the mufassal. When the plaintiff is putting forward his case, if he has cited twenty witnesses and summoned five for the day, out of those five only one, or perhaps two, will appear, and the other witnesses will have to be summoned again or warrants will be issued. The main difficulty that protracts cases in Civil Courts is the difficulty of getting the witnesses in time?—I do not think that is the main reason for the prolongation of cases. I think a great deal of it is deliberate on the part of the parties, and a great deal of it arises from the unbusinesslike methods of Munsifs.

39420. I quite concede that parties may find it to their interest to keep some witnesses absent on the day on which the case is put down, but is not the greater reason for delay on account of this difficulty?—I think not. My experience is that that difficulty does arise, but what ordinarily happens is that no witnesses are present at all, and the party who wants to prolong the case gets a Pleader to put in an application to the effect that he is ill and unable to bring his witnesses, and he gets an adjournment, which very often is too freely allowed.

39421. Have you in this province a body of officers whom we call Inspecting Subordinate Judges?—No, we have no such officers here.

39422. They are supposed to go round throughout the whole year looking into the files and diaries of the Subordinate Judges and exercising control and supervision over the delay which you speak of?—We have no such system here. With respect to the Presidency towns you will admit that whatever the differences may be between the mufassal and the Presidency towns, as a matter of fact, there has been separation between the Judicial and Executive so far as the towns are concerned?—Yes. The Magistrate in Calcutta performs a large number of magisterial or executive duties apart from his judicial duties.

39423. Is the Presidency Magistrate in Calcutta in any way different from the Presidency Magistrate in Bombay?—No; I think he performs the same functions.

39424. The sort of powers which the District Magistrate in the mufassal has over the Subordinate Magistracy is in Presidency towns vested in the Commissioner of Police, such as the keeping of the peace of the district and those powers which are supposed to be the responsible duties of the District Magistrate?—A great number of those powers are vested in the Commissioner.

39425. But the Magistracy in the Presidency towns is in no way subordinate to the Commissioner of Police?—Not subordinate to him, but the Commissioner of Police has the executive power and the status in a place like Calcutta. The Presidency Magistrates have very little status.

39426. In the Magistracy in the Presidency towns, though not supervised by a person who has the powers of the District Magistrate, and who are under the control of the High Court if they are under the control of anybody, you do not find there is any evil on account of the Magistracy not being made subordinate to the officer who is responsible for the peace of the town?—I think that depends entirely on the Chief Presidency Magistrate. It has been the common complaint against the Barrister Magistrate in Calcutta that he allowed cases to fall into arrears and that justice took a long time to get, and that was the one point of praise they had for the Civilian Magistrate, that he did not allow that to take place.

39427. With respect to your answer to question (88), where you try to draw some comparisons from statistics you have given with regard to disposal of cases, you concede that so far as the power of appreciating evidence of fact is concerned the Indian Civil Servant as a Judge is better than the Munsif and the Subordinate Judge?—Yes.

39428. I suppose you are aware that some of the Chief Justices examined by the last Public Service Commission gave an opinion the other way?—I was not aware of that.

39429. That a Civilian Judge often reverses the findings of facts of Subordinate Judges of 15 or 20 years' experience and that they had to be set right by the High Court. Have you seen how the figures compare with regard to the confirmation and setting right of Munsifs and Subordinate Judges as compared with the Civilian District

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Judges?—I saw some reference to figures the other day from which I gathered that the figures of Subordinate Judges were better than those of District Judges. I do not know whether that is the fact.

39430. That was my impression too?—I am not sure whether it is so, but I saw some reference which suggested that.

39431. I think the figures show that with respect to Bombay, at any rate. With regard to Settlement work, you say that it gives the Civilian an opportunity of mixing with the people and that that experience enables him to judge for himself what class of witness he has got when sitting on the Bench as a Judge?—It helps him in that respect, certainly.

39432. Is the knowledge of the people which is so valuable to the Judge on the Bench anything more than that a larger acquaintance with the people enables you to see exactly what type of witness you have before you and what particular credit to attach to the testimony given by such a witness?—I think it amounts to more than that. It amounts to a general knowledge of village life and acquaintance with the people which must make you better able to judge of the truth of a particular story in a particular case.

39433. Is it not with a view to coming to a conclusion as to what amount of credit you will attach to a story which witness gives before you?—That is only one portion of it.

39434. You think that practitioners who have practised for any length of time and appeared before Magistrates and Sessions Judges in the mufassal for years together do not get the same knowledge of the people and their habits and ways, and of village life, which would entitle them to the same confidence as judges of facts as do the District touring officers?—I do not think they get the same acquaintance at all in a court room as they would in a village. My experience is that witnesses will give quite different evidence in a Court from what they will give in a village. Many witnesses will hesitate to tell a lie before an officer who inquires about the case in the village.

39435. I am speaking with reference to the evidence in court. I want to know whether there are not opportunities for a practitioner who moves about in the mufassal to understand the people and to know what is going on behind the scenes, which experience enables him to be a far better judge of facts than any Executive Officers can possibly be?—No doubt if a pleader were to get his knowledge at first-hand in the village he would get to know a great deal about the people, but my experience is that he usually accepts his client's case, a portion of which is nearly always fabricated.

39436. (Sir Murray Hammick.) Settlement means a different thing in different provinces, and I should like you to tell us very briefly what a Settlement Officer in Bihar and Orissa really does?—In the first place he has to supervise the survey operations and what we call the

'Khanapuri', that is to say, the preliminary stage when the records of rights are written up on the ground.

39437. That is, he has to discover the exact position of the proprietary rights in each piece of land?—Yes, the *raiya* holding it, to whom he pays rent, all the superior landlords' rights, the position of the tenancy, and so on, and he has to decide disputes between different parties at that stage, and he has to decide disputes at the next stage and at further stages also.

39438. You refer to the landlords and tenants being unwilling to employ a civilian agency for this purpose. That implies, I suppose, that the Settlement Officer here settles rents under the Bengal Tenancy Act?—We are working in Chota Nagpur under a special Act by which we ascertain and if necessary settle rents. The procedure is very much the same as under the Bengal Tenancy Act, but the expenses of the proceedings are apportioned between the landlords and the tenants, and therefore the Settlement Officer likes to keep down the expenses as much as possible.

39439. But as a matter of fact, in pursuance of these settlement duties, he has a great deal of semi-judicial work to do in the settlement of these disputes?—A great deal.

39440. And it is not only his acquaintance with village life, but he gets into the way of balancing evidence on one side and the other that he hears in connection with these disputes as to rent and as to proprietary right and as to rights for communal land, and so on?—I think so.

39441. With regard to the University course that you desire for the candidates who pass the open competition, you do not propose that during that University course they should do anything specially with reference to India?—No. I propose not.

39442. Would you give them a proper training in India after they had taken their degree?—No. The point I lay most stress on is that men are brought out too old now. I think twenty-two is the proper age to bring a man out.

39443. You would bring them straight out after they had taken their degree in the University?—I would bring them straight out and put them to their departmental work.

39444. Would you not insist on this University course containing a certain amount of Law?—I have said that I think it advisable men should be called to the Bar and that they should attend the course, but I do not think any further course of Law is necessary.

39445. One suggestion made to us is that the University course should be a course for a degree partially Oriental and partially legal, a special course which the Universities would afford for obtaining a degree in principles of Law and in some amount of Oriental history, ethnology, and so on. Would you favour that kind of specialisation?—I would not, because I think the principle should be that you should allow a man to complete his general education and not specialise until he has completed it.

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39446. Then do you not think that the objection to all these men would be more strongly felt than ever, that they arrive in this country absolutely unfurnished with any rudimentary principles of Law, which so many witnesses have insisted upon as being important for them when they arrived?—I think they will have plenty of opportunity to pick up Law after they come out.

39447. Besides picking up the language you think they would pick up enough of the principles of Law?—I think so.

39448. You do not think any further change would be necessary on that point?—I do not think so.

39449. With reference to the deterioration in the knowledge of Indian languages, have you ever thought whether it would be a better system to divide the examination in the vernaculars into an examination of books and a colloquial examination, and have the candidates come up for the book examination, grammar and translations, after one or two years, and put off the colloquial examination for another three or four years when a candidate might be really expected to have got into an absolutely fluent way of talking to all classes in this country? Do you not think that the examiners at these examinations which are held within two years of a candidate arriving in the country are naturally inclined to be comparatively lenient to the candidates on the ground that they have not had time to learn the conversational part of these languages properly?—I think very likely that is true, but then why not put the conversational part first and the book part afterwards?

39450. Do you not think it takes a very long time to develop the conversational part, much longer than writing grammatically and being able to translate fluently from written documents?—Yes. To talk really well and like an educated Indian is extremely difficult, and very few men can do it.

39451. Do you not think it would be a good plan to get rid of the book part of the languages very early in the candidate's career and to insist that he comes up four or five years afterwards to pass a really stiff examination in conversation?—Yes, probably it would.

39452. With regard to the separation of the Executive and the Judicial, I understood you to say that, apart from the loss of power and influence on the part of the District Officer if his Magisterial powers were taken away, you do not think there are many other arguments for the existing system except that it works well and you do not wish to see it changed?—Yes.

39453. But do you not think the existing system gives a supervision over the Magistrates by a touring officer which would be exceedingly likely to be reduced in efficiency if the supervision of these Magistrates was handed over to a sedentary officer such as the Head Magistrate of the District would be under any system which took away his powers as an Executive officer?—I

suppose the theory is that you would give the same powers of supervision which the Magistrate has now to the senior Magistrate who is to be the new authority.

39454. You think it absolutely necessary that the Magistrate who is the senior Magistrate should be a touring officer with ample time thoroughly to inspect his courts in person?—I do.

39455. Do you not think that the possibility of having on one side of the administration the Police with the Civil officer and on the other side the Courts, knowing nothing of the Police except what they hear of them inside the Courts, is very likely to produce a state of friction between the two agencies for the administration of justice which might lead to a great deal more misdoings on the part of the Police, and a great incapacity on the part of the Courts to control them?—I think that is very true. The Courts will understand the position of the Police even less than they do now, and one result will be that the Police will be much less likely to take up the case of a poor man against the rich man than they are now.

39456. You think there is a great safety now in the fact that the Head of the District, who practically has nothing to do with the immediate trial of cases, is on the one hand thoroughly up in all the methods of the Police in this country and on the other hand is in the closest touch with the Magisterial files of the Magistrates in his districts?—Yes.

39457. One complaint of the present state of things is that Excise and Forest cases, and cases in which the fiscal interest of the Government are concerned, are tried by Magistrates who are responsible for the due collection of revenue, and so on, to the Head of the district. Have you ever thought whether it would be possible to remove the appeals from all such cases to the Sessions Judge instead of allowing them to go, as now, in many provinces, to the District Magistrate?—There has been a proposal to take all appeals from second and third class Magistrates in this province from the hands of the Magistrate and to make them over to the District Judge. Beyond the fact that it involves a considerable extra amount of petty work for the District Judge I see no objection whatever to doing that.

39458. (Mr. Maude.) It is your experience as a District Judge that Deputy Magistrates are in fact influenced in their decisions by the fact that they are subordinate to the District Magistrate?—No, I do not believe it. You may get individual cases occasionally but you cannot get rid of it by any change.

39459. If there is an impression in the minds of certain people that such is the case, that impression in your opinion would be a fallacious one?—Certainly.

39460. You have spoken very strongly in your answers as to the necessity of Executive and Settlement training. Which do you think would be most difficult for a man who has undergone



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Executive and Settlement training, to pick up a sufficient training in Law when he becomes a Judge or to pick up a competent Executive and Settlement training afterwards?—I much prefer the system under which the man can have his Executive training first and get his Law afterwards.

39461. You think the converse would be more difficult?—I think so.

39462. Would not that difficulty be very much enhanced if a man is taken into the Judicial Service after he has had so many years' practice at the Bar and has shown his powers by such practice, or has been in a business house or anything of that kind?—I think the difficulty of giving the man the necessary administrative and Executive training under those circumstances is almost insuperable.

39463. With regard to Settlement training, a large number of cases that come before Judicial officers have to do with land matters?—A very large proportion.

39464. Matters between landlords and tenants and matters regarding complicated tenures?—Yes, a very large proportion.

39465. Would not you say that a Settlement training is particularly useful in dealing with such cases?—Certainly.

39466. In fact that it is almost essential?—I think it is, and that is why I have recommended a prolonged period of Settlement training for every young Civilian.

39467. For the reasons to which I have just referred, you are of opinion that there should be no differentiation in the method of recruitment to the Civil Service between the Judicial and the Executive officers?—No differentiation whatever.

39468. Would you extend that to the Provincial Civil Service, that is to say, that the method of recruitment for Sub-Judges and Executive members of that Service should be also the same?—I do not think it is necessary. I think if you give the Munsif the training I propose, which will include a certain amount of administrative work, inspection of office, and so on, and of being put in charge of different branches of the office, and a Settlement training such as many of them are getting now, he will be sufficiently competent to do his work without actually putting him through the Executive branch.

39469. (Mr. Hussain.) In answer to question (19) of Provincial Civil Service you say that for the purpose of listed posts there should be a regular test by selection. Do you think in this respect seniority should not count for much and that real merit ought to be the consideration that should influence selection?—It should be real merit, not seniority.

39470. You have paid a great compliment to the Deputy Collectors when you said in answer to the President that good Deputy Collectors are as good as Indian members of the Indian Civil Service, and you have also referred to the lack of incentive and you say there is not much encouragement for good work. Would you propose that there should be a few posts equal to that, say, of a

Superintendent of Police at Rs. 1,200, which would furnish encouragement to the Provincial Service? It is not possible to provide many of them with listed appointments, and in order to encourage good work and to draw sufficient men, do you not think it would be well to have some posts of that kind? If they are as good as Indian members of the Indian Civil Service surely they deserve more encouragement than they are now receiving?—I certainly think the Service requires re-grading on more favourable terms. Perhaps it might be possible to include a first grade on the pay you suggest.

39471. (Mr. Datta.) You say in answer to question (13) that you consider "the unprofessional English Civilian (whether a member of the Covenanted or Provincial Service) to be very considerably superior to the professional lawyer class of Munsifs and Subordinate Judges," and you have said further on in your printed answers that there are in the Service men of proved merit and ability. What do you mean by "the professional lawyer class of Munsifs and Subordinate Judges?" Do you include them all or only those who do not weigh and estimate the evidence as to facts but lay much stress upon Law?—I merely alluded to the fact that all Munsifs and Sub-Judges are drawn from the professional lawyer class. I am not distinguishing between different classes of Munsifs and Sub-Judges.

39472. Then you think as a class that Civilian Judges and Deputy Magistrates are superior to Munsifs and Subordinate Judges in deciding on facts?—I think I have said European Deputy Magistrates.

39473. You mean English Deputy Magistrates?—Yes. European Judges. They take much more trouble to get at the facts.

39474. Do you think they come to correct decisions on the facts?—I do.

39475. You say: "Before leaving the point as to the insufficient equipment of English Civilian Judges I should like to observe that, while it has been the subject of considerable public criticism, none so far as I have seen has been directed to the fact that Indian Subordinate Judges, when appointed to act as Assistant Sessions Judges, have to dispose of important Criminal cases without possessing any experience whatever of Criminal Law." No criticism is made against their work and therefore it is to their credit?—I cannot say whether their work is open to criticism or not. I have not had any experience of it.

39476. But you say it is not criticised. Does not that show that it is not liable to criticism?—I am rather alluding there to the partisan character of the criticism, to the fact that criticism is directed against the English Judge on a particular ground, but it is not levelled against the Indian Judge, although it might be, upon the same ground.

39477. Do not you know that the Munsifs and Sub-Judges have to practise for three years, and, before getting the appointment, for two or three years more? Practically they have to



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practise as lawyers for five or six years before they get the appointment?—But many of them when appointed have very little acquaintance with Criminal Law.

39478. But many have knowledge of Criminal Law and a fairly good practice in Criminal Law before they become Munsifs?—My experience is that Munsifs as a rule do chiefly Civil work before they get appointments. I should say it was an exception for them to do Criminal practice to any large extent.

39479. It is exactly the reverse: junior Pleaders get Criminal cases first and then Civil cases.—I did not know that.

39480. You have said that the administration of Criminal justice in this part of India is more efficient than that of Civil, and you have given the reason for it, namely, that it is much more closely supervised by the District Magistrate, while the Civil cases are prolonged from month to month because work is not supervised. But is it not a fact that, notwithstanding supervision, a Munsif is not able to cope with his work but delays cases because he has no time to do them, and people do not bring witnesses because they know that older cases will have preference over new cases?—That is very often the fact.

39481. So that the remedy lies in properly manning the Service?—In many cases that is so: efficient manning and efficient supervision.

39482. In your answer to question (19) of the Provincial Civil Service you think that men of proved merit and ability should be appointed District Judges but that a rigorous system of selection should be instituted?—Yes.

39483. Would you make that selection from the first grade Munsifs?—Under the system I propose you would have the European Civilian serving as Munsif and subsequently as Assistant Sessions Judge and Assistant District and Sessions Judge, and as District Judge, and you might make the appointment from the Provincial Service at any of these stages.

39484. Would it not be too early if he was selected from the third or second grade Munsifs?—There is no reason why you should not promote a Munsif of exceptional ability from the bottom grade into the second, over the heads of others, and so on.

39485. Can you give us a definite plan for your rigorous system of selection?—No, I cannot give a definite system now.

39486. There is no doubt the proper man should be selected, but the question is how he is to be selected?—It is very difficult to make a suggestion of that kind extempore.

39487. Would you have a Board consisting of from three to five Judges of the High Court who would examine reports from District Judges and records and make the selection?—If a better system of inspecting the Civil Courts is instituted I do not think it would be difficult to devise a system of selecting officers of proved merit.

39488. Would not a better system of selection be by looking at the records?—That must be done too.

39489. If the office is good the Sherishtadar would be good?—That is so. Even a good Munsif cannot make a bad Sherishtadar into a good one.

39490. In answer to question (46) you have said that you would offer the vacant appointments to the senior men on the B. L. list, and that certificates of character are useless and should be dispensed with. Would not many complications arise if only the senior men in the B. L. list were appointed? For instance, now a student passes Matriculation at sixteen, and in four years gets the B. A. degree, and after three years he gets the B. L., or seven years in all. If a man passes in 1908 he would get his B. L., provided he failed in no year, in 1915, and if he is M. A., B. L., it will take two years more, which brings him to 1917. So that if only the senior men in the B. L. list are taken, if one passes in 1904 and fails in some of the examinations and he is first in the B. L., while the one who did not fail in an examination is second. Would you give it to the first man and not to the second? Then again, should not the son of a Sub-Judge or a Munsif get some recognition of his father's service; as in every other department, such as the Postal, the Executive and so on? Many complications would arise if your system be followed?—No doubt it is a proposal which would have to be thought out and the details would have to be arranged.

39491. I take it you do not put it forward as a definite method?—No. I have no objection to combining the B. L. with the B. A. list.

39492. Should not M. A.'s be preferred to B. A.'s or B. L.'s?—It certainly requires that the details should be worked out.

39493. You would not like to commit yourself to any definite form?—No.

(The witness withdrew.)

TOWNLEY RICHARD FILGATE, Esq., C.I.E., General Secretary, Bihar Planters' Association, Ltd.

*Written answers relating to the Indian Civil Service.*

39494. (1). What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—We consider the present system not entirely satisfactory

because it gives too great a preponderance to mere scholarship without taking sufficiently into account the other qualities necessary to make an efficient administrative officer.

39495. (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—We recommend a combination of nomination and com-

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petitive examination. We consider that the competitive examination should be held without alteration exactly as at present, but that candidates prior to entering for such examination should present to the Examiners a certificate procured from a selection board to the effect that they are suitable for membership of the Indian Civil Service in regard to their physical, moral and social qualifications. Such certificate must have been procured by the candidate after the age of 18 from a board either in England or India. In either case a two-thirds majority of the Board should be Britishers and one-third past or present members of the Indian Civil Service. Further we hold that any candidate for the Indian Civil Service Examination must have previously taken a three years' course at one or other of a number of British Universities approved by the Civil Service Commissioners. Successful candidates after being allotted to their respective provinces should proceed to India, where they would spend one year on probation at a central college, at the end of which term they would be required to pass a qualifying examination in Indian languages, law and any other subjects that the Commission might deem necessary. Should any candidate fail in this qualifying examination he should be allowed one further attempt to pass one year later, and in the event of his failing at this second attempt his services should be dispensed with and he be given a free passage to any part of the British Empire he may wish to proceed to, together with a gratuity of £100. Candidates passing the qualifying examination should then sign the usual covenant with the Secretary of State, with the addition of a clause by which the Local Government is at liberty to dispense with their services on the expiry of 4 years on payment of compensation in the shape of an annuity of £100 without being required to give any reasons for its action. Candidates on probation should be paid at the rate of Rs. 400 per month, and on passing the qualifying examination should receive not less than Rs. 500 per month for the first two years of their service and Rs. 700 for the next two years. We also strongly recommend that the Government of India should yearly offer a certain number of scholarships to selected candidates from India payable to them during their residence at a British University, a certain percentage of which scholarships should be reserved for the domiciled Anglo-Indian Community.

39496 (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—We consider that it is advantageous because it procures a larger field of candidates. Such disadvantages as do undoubtedly exist under present conditions would be met if the suggestions detailed in our reply to question (2) were adopted.

39497 (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—We consider simultaneous Examination thoroughly undesirable, because we are con-

vinced that a British University training is essential to obtain the best class of men for administrative work in India.

39498 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—We consider that no distinction should be made between Natives of India and Natives of any other portion of the British Empire and hold that no appointments should be made other than according to the methods suggested in our reply to question (2), with the exception of the promotion of select officers from the Provincial Services. This reply is however given conditional on the views expressed in our reply to question (10).

39499 (9). If you are in favour of a system for the part recruitment of the Indian Civil Service by Natives of India in India, do you consider that "Natives of India" should still be eligible for appointment in England?—We totally disapprove of simultaneous examination.

39500 (10). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?—No other Natives of India except as suggested in our answer to question (7) should be appointed to the Indian Civil Service, and it should be left to the discretion of the Local Government and the Government of India to promote such selected officers as they deem fit.

39501 (11). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system which you would propose?—No, we consider executive experience absolutely a *sine quâ non* for appointment to the judicial branch of the Indian Civil Service.

39502 (13). If the system of recruitment by open competitive examination in England is retained, state the age-limits that you recommend for candidates at such examination, giving your reasons?—See reply to question (2). We consider 23 to 25 the best age for a man to start administrative work in India.

39503 (15). What age-limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age-limits for Natives of India and for other natural-born subjects of His Majesty?—We recommend no differentiation.

39504 (18). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons?—We consider that no posts should of

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necessity be reserved for members of the Indian Civil Service.

39505 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?—We consider that it is absolutely essential that the distinctly British character of the administration should be strongly maintained and that this can only be done by the continued allocation of the higher posts of the Civil Administration to European subjects of His Majesty except under most rare and exceptional circumstances. We deprecate laying down any hard and fast rule regarding the relative number of Europeans and "Natives of India" holding posts in the Indian Civil Service cadre.

39506 (21). Do you consider that the old system of appointment of "statutory civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—No.

39507 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?—We consider the system satisfactory.

39508 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or statutory civilians, may be appointed to one quarter of the listed posts?—No suggestion as to proportion. The determining factor efficiency only.

39509 (26). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—Yes.

39510 (27). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—No change.

39511 (29). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the service?—Our reply to question (2) provides for this and if not approved would strongly recommend some system of probation.

39512 (30). If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?—Four years.

39513 (32). Do you consider that the probationers' course of instruction could best be spent in England or in India? Is your answer equally applicable to the case of Natives of India and of other natural-born subjects of His Majesty?—In India in all cases.

39514 (33). Do you think it desirable to start, at some suitable place in India, a college for the training of probationers of the Indian Civil Service, and possibly of other Indian services recruited in England?—Yes.

39515 (34). Do you think it desirable that each Provincial Government should arrange

for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—At one centre.

39516 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—After leaving college as recommended in answer (2), present system is satisfactory.

39517 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied, that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and if not, how could this best be remedied?—No deterioration.

39518 (38). Do you recommend any special course of study in law in India for officers selected for the judicial branch?—Yes, but no suggestion.

39519 (39). Do you recommend any special training in subordinate judicial posts in India for officers selected for the judicial branch?—No.

39520 (40). Is any differentiation desirable in a system of training after appointment in India between members of the Indian Civil Service who are Natives of India and other natural-born subjects of His Majesty?—No differentiation.

39521 (42). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals?—No differentiation.

39522 (47). Turning now to the case of the statutory civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the Service?—Yes.

39523 (50). Please add such other remarks as you may desire to offer on any point relating to the conditions of service, salary, leave, and pension in the Indian Civil Service?—An Indian Civil Service officer's contribution towards pension should cease after 25 years' service.

#### *Written answers relating to the Provincial Civil Service.*

39524 (51). Please refer to Government of India Resolution No. 1016-1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or

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have you any recommendations to make for their alteration?—We suggest that conditions should be so framed as to give preference to Indian candidates who have failed to pass the Indian Civil Service examination provided they have obtained the minimum number of marks.

39525 (57). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service

differentiated? Is any change desirable, and, if so, in what direction?—No change desirable.

39526 (61). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—Yes.

MR. T. R. FILGATE, called and examined.

39527. (Chairman.) You are the General Secretary of the Bihar Planters' Association Limited, are you not?—Yes.

39528. I take it that you and Mr. Jamieson both speak on behalf of the Association?—Yes.

39529. What is the membership of the Association?—There are seventy concerns with about 300 members.

39530. Are they all Europeans, or are there any Indians?—Practically they are all Europeans.

39531. Are the opinions expressed in your written answers the opinions of the Association or of a Committee of the Association?—They are the opinions of a Committee of the Association. The district representatives gathered the views of their district and then met and answered the questions.

39532. You are also a member of the Legislative Council, are you not?—Yes.

39533. Is a large proportion of the land in Bihar occupied by planters?—Yes; a large proportion of the cultivation in Bihar is either indigo, sugar, or country crops, general cultivation.

39534. You propose a change in the system of recruitment, and would like to see nomination combined with the present competitive examination?—Yes.

39535. Do you express that opinion from any experience of perceptible deterioration in the Service?—We do not think there is any perceptible deterioration in the Service, but occasionally a man comes into the Service who is not suitable as an administrator afterwards. He may be a very clever scholar, but it does not follow that he turns out a good administrator in after-life; or, due to the strain of working for the examination, his health may have considerably suffered, and owing to that he is not able to work as he should. That is the idea we have got from our experience.

39536. You think a body can be formed that will have the faculty of prophesying the future of the candidates who are brought before them prior to the examination?—The selection board would be guided not entirely by scholarship; they would look not only at a man's moral character but his athletic character, and see that he was generally brought up as a young Englishman should be.

39537. You really think that a body of gentlemen could by that sort of selection do better than what is at present being done under the open competition system?—I think probably they would.

39538. Would you extend this system of nomination to the Indians who go up for the open examination in England as well?—Certainly.

39539. Then with a view of offering further facilities for Indians you propose a certain number of Government scholarships?—In cases where there may be a clever boy in a family, and the family is not well off, it would be only fair that Government in some way should assist the boys of the country, of whatever race they belong to. We are also of opinion that a certain number should be reserved for members of the Anglo-Indian Community. We look at it in this way. English parents in this country do all they can to send their children home to be educated, but there are many who are not in a position to do that and the boy has to be educated out here at some of the hill schools or other schools, and we think that a family like that, who might have a very clever boy at the top of the school here, should have an opportunity of giving him a training at a University at Home, and therefore we think that one or two scholarships should be reserved for such boys in order to give them a chance.

39540. Do you confine these scholarships to the Anglo-Indian community?—Certainly not. The scholarships should be given to the Indians in cases where they are required, where a clever boy is in a family which is not well-to-do.

39541. How many scholarships would you suggest should be granted each year?—We have no suggestion to offer on that; we simply put forward the proposal.

39542. As a principle of recruitment?—That is so.

39543. You suggest that successful candidates on arrival in India should go to a Central College to be established in India?—Yes.

39544. Where do you suggest that the College should be situated?—We make no suggestion about that.

39545. It would be one single College for the whole of India?—Yes, one single College for the candidates who came out, at which they would stay a whole year.

39546. Can you tell me what you have in your mind when you suggest this College as distinguished from an ordinary course at the Uni-

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versity?—The idea was principally for training in the vernacular, that they should get a thoroughly sound working knowledge of the language. We also suggest that they should combine with that a study of the Law. The main point of the College would be, however, to train young men in the vernaculars of the different Provinces to which they will go. After one year at the College the qualifying examination should be held, and if they were unable to satisfy the examiners they could put in a further year at the College and have a second qualifying examination. Any student failing then should be got rid of; that is to say, if after two years he could not satisfy the examiners that he had a good knowledge, not only grammatically but colloquially, of the language, it would be better to dispense with his services.

39547. Although he has passed the open competitive examination at Home?—Even though he had passed the open competitive examination at Home, if he did not know the language of the particular Province into which he was going he should be sent away. The great difficulty now a young Civilian finds in learning the language is that when he comes out he finds so many of the clerks in the office speaking English and he does not get that practice in the colloquial language that the Civilian of a generation or two generations ago did get.

39548. Would you not find great practical difficulty in providing adequate teaching of all these various vernaculars in your College?—That I am not qualified to speak about. It is only a suggestion we have put forward.

39549. I take it the suggestion is based upon the conviction of yourself and your Association of the necessity of young Civilians being able to talk the language well?—It is absolutely necessary that a Civilian should acquire a perfect knowledge of the language.

39550. A better than they have at present?—Yes. The planter of course has to learn the language immediately he comes out because he lives amongst the people of his tea gardens or indigo estate, and the whole of his work has to be carried out in the vernacular.

39551. Is it your experience that the officers in the Indian and Provincial Services in this Province are overworked?—I do not know that I can say they are, but certainly nowadays a Collector of a district is unable to devote that time to moving about this district, seeing and getting in touch with the people, as he used to do when I first came out to the country. That is owing to the enormous increase of statistics and forms of office work. I have noticed myself in the years I have been in Bihar that the work has enormously increased, and I presume it has increased in the Sub-divisional Offices also.

39552. How many years have you been in the country?—Thirty-seven.

39553. Of course the whole system of Government has developed immensely during your time?—Yes.

39554. And there has been a corresponding increase of staff?—The staff has been increased, but still they are so tied that the Collector and the Commissioner and the officials do not get the same time they used to have 30 or 40 years ago for touring through the districts and spending a great deal of time amongst the people.

39555. That you attribute more to the development of the system than to over-pressure of work upon the individual?—Exactly.

39556. It is a change in the work which must come and it is inherent in the Government of the country?—Yes, and every year it goes on increasing.

39557. We have had a good deal of evidence with regard to salaries, and I should like to know if you can say whether the Services are adequately remunerated or not?—I have suggested in my written answers that the pay of the junior Civilian should be increased. The cost of living has increased very much even in this part of India within the last 10 or 15 years, and the pay that the young Civilian draws on joining is not sufficient, owing to that increased cost of living, for him to keep up that position he ought to keep up as a servant of the Government. For instance, instead of being able to keep a smart pony and trap on first coming out he has to use a bicycle. I think the young Civilian should get an increased pay.

39558. Would you say that in the country districts, with which you are conversant, the cost of living has increased appreciably of recent years?—On our side of the river, in the Tirhut division, the cost of living has increased quite 30 per cent. within the last ten years.

39559. Is that a typical mufassal district?—I should say it is.

39560. Do you find that many of the young Civilians come out married men?—A certain number.

39561. Your Association would not like to see the age reduced?—No; I think the present age should not be reduced.

39562. Do not you think that [twenty-five, looked at from many points of view, is an advanced age for a young Civilian to enter on his career in this country?—I think we say 23 to 25; not younger than 23 or over 25.

39563. If they came out younger there would be less chance of their being married early in their career, and I suppose that would be a great advantage?—Certainly it would. I think it is a great mistake for any young European in any service to come out to India married. After he has been out and seen what the country is like it is another matter. A young man who comes out married knows nothing about house-keeping in India and there are always difficulties.

39564. (Mr. Chaudh.) What is the tenure on which you hold your tea-gardens?—There are no tea gardens in West Bihar. I am speaking for the Tirhut Division where we have indigo, sugarcane

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etc. There are various kinds of leases. A large proportion of the land is held on lease from the Zamindars, either a Makari lease, which is a lease which is practically in perpetuity, or a lease of seven, ten, or fifteen years.

39565. Have you a landlord over you who is the proprietor of the soil?—In a large proportion of cases the cultivation is held in that way; in some cases it is freehold.

39566. Do you employ the tenantry or does the landlord?—In many cases the planter becomes the Tikadar: he obtains the lease and pays a lump sum for a term of years, and collects the rent, and the people practically become tenants under the factory for the term of that lease.

39567. I suppose the tenants who are employed as labourers are employed for a number of years, or are they daily workmen?—A certain amount on the labour-roll is employed all the year round, and a large number of coolies are employed as the work requires at certain times of the year, according to agricultural operations.

39568. Has the cost of living increased for the workman?—The cost of labour has increased very much in the last ten years and the cost of living has increased a little, but very little. We have had one or two years when prices have run up exceptionally high, but they are coming down again.

39569. Have you found it necessary to increase their wages?—It has been necessary. Wages have been raised in Bihar, especially for skilled labour, carpenters, blacksmiths, etc., but that is due a good deal more to the fact that a large number of skilled men go away.

39570. Has the cost of living increased amongst the cultivators?—The cost of living must have increased. The railways have been developed in the last thirty years, and now a man would sooner go by rail than walk four miles, where he used to walk thirty. They are very much better clothed. Since the cigarette has come in every small boy smokes a cigarette. They must spend more, and no doubt the cost in that way has risen. As the material condition of the people has risen the cost of living has risen also.

39571. We have had a large body of evidence to the effect that the administration work of the Indian Civil Servant as Head of the district is very well done and compares favourably with the work of officers twenty and twenty-five years back. If his work is well done, what does it matter whether he knows the language or not, provided that he knows enough of the language to do his work well?—I think it would be very much more advantageous for any official or any European to have a thorough knowledge of the language so as to be able to converse with the people he meets every day.

39572. The knowledge of English has largely advanced amongst the Natives, has it not?—Enormously.

39573. And that accounts to some extent for such deterioration as you find in the knowledge of the vernacular in the Civil Servant?—Is not the deficiency supplied by the larger numbers of English-speaking Natives. If he finds he can get his information and the assistance he wants through the knowledge of English which his staff and the people in general have, what does it matter if he knows less of the vernacular?—In taking evidence in Court it is very essential he should have a thorough knowledge of the languages colloquially. His work may be excellent now, but it might be improved if he had a thorough knowledge of the language.

39574. (*Mr. Madge.*) In answer to question (2) you say that scholarships should be given, amongst other classes, to members of the domiciled Anglo-Indian Community. I believe there is already one given every other year for the whole of India, and representative associations have been asking that this might be increased. Would you agree that the scholarships should be increased?—Certainly.

39575. You also think that Indians get a larger proportion already for technical training at home, and you think they should be increased?—I think so.

39576. Comparisons of an invidious kind are sometimes made between the one class and another on account of their numbers. Do you think that when any comparisons are made they should be made between the domiciled Anglo-Indians and the three hundred millions, or the domiciled community and the literate class of Indians, if it is necessary to make comparisons at all?—If there is an illiterate family and a boy of that family gets a good education he should be eligible for a scholarship.

39577. No one objects to any number of scholarships being given to Indians, but I have seen in the Indian Press objection to the Anglo-Indian community getting more scholarships than they do on the ground that they are a microscopic minority in comparison with three hundred millions. I do not see the need of making any comparison at all, but if it should be made, should it be made between the domiciled community and the three hundred millions or the domiciled community and the literate Indians?—Between the domiciled community and the literate, if any is made at all.

39578. You consider it absolutely necessary that the British character of the administration should be maintained?—Certainly.

39579. You say in answer to question (19): "We consider that it is absolutely essential that the distinctly British character of the administration should be strongly maintained." If there were any change in that character, do you think it would affect public confidence in the Government?—I certainly think it would.

39580. (*Mr. Abdur Rahim.*) Could there be any foundation for the suggestion that the plant-

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[concluded.]

ing community of Bihar would not be inclined to respect the authority of Indian officials?—I do not think so. The Bihar Planters are law-abiding.

39581. (*Sir Theodore Morison.*) Does your Association approve of the separation of the Executive and Judicial functions?—No.

39582. (*Mr. Maude.*) In answer to question (13) you say: "We consider 23 to 25 the best age for a man to start administrative work in India"; and later on, in answers to questions (32), (33), and (34), you say that there should be a period of probation which should be spent in India in all cases, whether Indians or Europeans. Do you include that period of probation as part of the start of administrative work in India, or do you count the start of his work from the end of the probation?—When he came out to this country after his three years at home he would spend a year out here and would then be 23 or 24 and go to his Collector as he does now.

39583. But his probationary period is to be in India, not in England at all?—He would go to his Collector and pass on to his sub-division, and after the four years' service, if he is unsuitable, he would be pensioned off.

39584. He would begin his administrative work at the age of 27?—No. The idea under this is that when he leaves College he would be about 24 and he would then spend a certain time with his Collector and at 25 he would go to his sub-division.

39585. He would come out at the age of 21 then?—Yes, he would come out about 21.

39586. I thought you meant he was to come out at from 23 to 24 and have two years in this country?—No.

39587. An Indian coming out under these conditions would get no period of College life in England at all?—He would, because he would enter at 18 and have his three years at College at home, getting his training just at an impressionable age.

39588. In your reply to question (50) you say that an Indian Civil Service officer's contribution towards pension should cease after 25 years' service. Have your Association any particular reason for taking up that question?—We understand that when an official remains after his 25 years and rises very high in the Service he practically provides the whole of his own pension and gets a very small pension from Government. We consider that the contribution to pension should cease after 25 years' service or that the pension of very high officials should be increased.

39589. In your answer to question (36) you say there is no deterioration in the language proficiency in those who have come out during recent years, but I understand from your answers here that you have modified that opinion?—We do not consider there has been any deterioration within the last 15 to 25 years. I think in my

answer I said that owing to the increase of the English language the young Civilian has not the same opportunities of acquiring that knowledge of the language that he had many years ago.

39590. Do you consider in your part of the world that after three or four years' service, when a young Civilian goes out to his work in the villages, he has a sufficient knowledge of the language to be able to take up a case and converse freely with the villagers and find out all about the case?—Not always, but he has a certain knowledge of it, though not a really thorough knowledge after three years. He begins to pick it up when he goes out to his sub-division, where he picks it up much quicker than he does at the Sadar.

39591. (*Mr. Hussain.*) In answer to question (51) you suggest that the conditions of the Provincial Civil Service should be so framed as to give preference to Indian candidates who have failed to pass the Indian Civil Service examination, provided they have obtained the minimum number of marks. In answer to question (2) you have suggested a certain altered system of competition, namely, competition mixed with nomination. Am I to understand that these unsuccessful candidates are to be the product of the system you suggest in answer to question (2), because in that answer you provide certain safeguards, certificates of moral character, physical, and social position, etc. Is it with these safeguards that you would recommend unsuccessful candidates of the Indian Civil Service to be taken into the Provincial Civil Service, or is it the product of the ordinary Civil Service examination as now held?—We have considered the safeguards.

39592. You have not forgotten the safeguards in this answer?—We certainly had not forgotten those safeguards.

39593. In your answer to question (27) you propose no change in the listed appointments. If I tell you that the Registrarship of Co-operative Credit Societies has been thrown open to a Member of this Service in Bengal, and with very good results, would you be prepared to modify your answer?—I do not think I would.

39594. If you were assured of good results would you be prepared to throw open that post here?—I do not think so.

39595. Why not?—The Co-operative movement is doing a wonderful lot of good. It is "catching on" now.

39596. It has been doing a wonderful lot of good in Bengal. If you were satisfied about the results there would you accept it here?—If I am satisfied with the results of the experiment there, certainly.

(The witness withdrew.)

(Adjourned till to-morrow at 10-30 A.M.)



## At Patna.

Wednesday, 26th March, 1913.

## THIRTY-NINTH DAY.

## PRESENT :

THE RIGHT HON. THE LORD ISLINGTON, K.C.M.G., D.S.O. (*Chairman*).

SIR MURRAY HAMMICK, K.C.S.I., C.I.E.

SIR THEODORE MORISON, K.C.I.E.

MAHADEV BHASKAR CHAUBAL, Esq., C.S.I.

ABDUR RAHIM, Esq.

WALTER CULLEY MADGE, Esq., C.I.E.

HERBERT ALBERT LAURENS FISHER, Esq.

And the following Assistant Commissioners :—

WALTER MAUDE, Esq., I.C.S., Member of  
the Board of Revenue.KHAN BAHADUR ASHFAQ HUSSAIN, Deputy  
Magistrate and Deputy Collector.NARENDRA KRISHNA DATTA, Esq., B.L., Offi-  
ciating Additional District and Sessions  
Judge, Shahabad.M. S. D. BUTLER, Esq., C.V.O., C.I.E. (*Joint Secretary*).

CHARLES E. A. W. OLDHAM, Esq., I.C.S., Commissioner, Patna Division.

*Written answers relating to the Indian Civil Service.*

39597 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—In my opinion the present system of recruitment does not attract the best men available to the Service. In the present conditions in India, perhaps more than at any previous period of our administration, there is a demand for the highest qualifications and training in the members of the Civil Service. The duties devolving upon Civil Servants are becoming more difficult and more onerous with the intellectual development of the people and the diffusion of political ideas based upon western principles. On the other hand, the intrinsic attractions of the Service have been rapidly waning of recent years. Some form of open competition is no doubt essential, and I cannot recommend any system which would altogether do away with open competition; but I would prefer a system combining open competition with selection by an experienced and representative board of commissioners, if such a system could be suitably established. The British Government is responsible to the people of India for the just, impartial and efficient administration of the country; and the success with which it discharges this responsibility, and maintains the best traditions of our race, rests very largely, if not entirely, upon the personal character of the men employed by it to carry on the administration, and chiefly of the men in the Indian Civil Service, who give a tone to all departments of the Government. England and India are bound

together by indissoluble ties, and with due regard to the best interests of both countries, Government cannot afford, without the gravest risk to allow the popularity of the highest service out here to decline as there are abundant reasons for believing that it is doing at present, or to permit the class of men admitted to that service to deteriorate. The causes of this falling off are numerous. There is the heavy fall in exchange that has reduced the value of the remittances to England. There is the rise in prices in India, and in the cost of living generally—there has been an enormous increase in this respect since the existing scales of pay and pension were fixed. Meanwhile the average earnings of most other English professions have increased, and the scales of pay and the prospects of most of the other services in this country have been improved. Owing to the rapid extension of organised Government on systematic and highly centralised lines, and the almost universal adoption of rules prescribing the minutest details of procedure, there is not the same scope for the display of individual talents or the exercise of personal initiative that in former days stimulated the ambition and roused the enthusiasm of young men fresh from school and college. At the same time there has been an enormous increase in monotonous desk work and duties that have little to inspire interest or kindle zeal. On the other hand, there are the increasing attractions of other professions at home and abroad. Then there are the very altered conditions of life and work in this country, largely due to the premature encouragement given to quasi-democratic ideals foreign to the genius of the people, and the widespread canker of sedition and anarchy. There is an apprehension that appointments to coveted



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Mr. C. E. A. W. OLDHAM.

[continued.]

prize posts may in future be filled in a different manner from what has been the practice in the past. There is a growing feeling that the interests of the Service do not receive the consideration that they deserve, and that they used to receive. The Service has for many years now been exposed to much unjust, hostile and malicious criticism, which the members are either unable from their position to reply to, or scorn to repudiate. In a section of the Native press a deliberate and persistent attempt has been made to throw discredit upon the Service. These drawbacks have been made widely known at the Universities, and the knowledge is bound to affect recruitment adversely. Though the result of such altered conditions takes time to manifest itself, it is none the less certain. The Indian Civil Service has lost favour, and the sooner this favour is restored the better for India. This can only be done by removing the causes of detraction, and offering such conditions and prospects of service as will induce the best men to come out.

39598 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—I think the present age limit is too high, and that the conditions and prospects of service require to be made more attractive to ensure the recruitment of the high class of candidates essential in the interests of the Empire. The suggestions which I have to make will be found in the answers to the subsequent questions.

39599 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—Natives of India who have not the means to go to England are at a disadvantage. I would like some system established by which Government might be able to afford facilities to promising young Indians of respectable origin and of good character and antecedents to present themselves at the competitive examination. It is not an easy matter to suggest a definite scheme towards this end. It is a question that would need to be thoroughly worked out by a special committee. The following rough idea has suggested itself to me. That a special college be established by the Government in India at a healthy and suitable centre for the special training of promising young Indians, to be nominated by the educational authorities in the several provinces, in the subjects prescribed for the open competitive examination. The Head Master and Masters should be specially selected, some from England and some from among the members of the Indian Educational Service (Imperial). Generous terms should be offered them, so as to secure the services of some of the best educationalists available. Boys should be admitted at an early age, between 13 and 15. Training, intellectual, physical and moral, should be given on the best English lines. The most promising students of this College, having regard to all qualifications, as well as having regard, as far as practicable, to the representation of the different communities and classes, would be sent to England so that they might appear at the examination in London. Their passage money should be paid, and a sum of money given in

addition to meet incidental expenses and the cost of living for a certain period in England. Those who fail to pass into the Indian Civil Service might be drafted into the Provincial Service of their province, provided that they obtain a certain minimum of marks in the competitive examination. Some such condition would be necessary to guard against abuse of the concessions made.

39600 (4). Further, is any differentiation desirable between other classes of natural-born subjects of His Majesty? If so, what do you propose?—I do not think so.

39601 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—In view of my proposal as to the age limit, I am not in favour of the combination of the examinations.

39602 (6). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose. Do you recommend a system based on any of the following principles:—(a) Selection by headmasters of schools approved or otherwise; (b) Selection by authorities in universities approved or otherwise; (c) Nomination by headmasters or University authorities and selection under the orders of the Secretary of State; (d) Combined nomination and examination; (e) Any other method?—I would prefer a system of open competition combined with selection by an experienced and representative board of commissioners. In making selection, consideration should be had to heredity, up-bringing, school education, reports of tutors and headmasters and other persons holding responsible posts who have been acquainted with the candidate from childhood, physical qualifications, manners, any distinguished service to the State (especially in India) by father or other near relative, etc.

39603 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—I am not in favour of such a system. The holding of simultaneous examinations is not compatible with the principle accepted by the Government of India and the Secretary of State, *viz.*, that members of the Indian Civil Service should be men trained in the highest and best form of English education. The advocates of simultaneous examinations practically give their case away by the admission that candidates who are successful in passing the examination in India should go to England for a course of training. This amounts to acknowledging that such candidates are deficient in a kind of training that cannot at present be obtained in India. The real effect of simultaneous examinations would be to create two divisions in the Indian Civil Service, *viz.*, (i) those recruited in England, and (ii) those recruited in India. The latter class would come to be regarded as of an inferior standing; and the feeling of inferiority attaching to this class would react unfavourably upon the class recruited in London. The inevitable result would be to destroy the integrity and

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the *esprit de corps* of the Service—by *esprit de corps* I mean that jealous regard for the honour of the Service as a whole which has been in the past one of the strongest incentives to maintain a high standard of devotion to duty. There would be virtually created a privileged service in India, *i.e.*, a service with higher privileges and emoluments, but drawn from exactly the same classes as the Provincial Civil Service, and of practically the same calibre. Moreover, certain of the prize appointments to which the Provincial Civil Service now look forward would have to be withheld from the latter Service, thus causing discontent and dissatisfaction. Not only, therefore, would the effect upon the Civil Service be mischievous, but the system would also be detrimental to the interests and to the *morale* of the Provincial Civil Service. The idea underlying the cry for simultaneous examinations appears to be to obtain a larger proportion of posts for Indians, at all costs, even to the detriment of good government. No suggestion is made by the most clamant advocates of the proposal to raise the Indian standard, even though admitting that it is lower than the English standard, but they counsel a system which would only have the effect of levelling down the whole Service eventually to the Indians' standard. By all means let more Indians enter the Service when they have reached the standard to be aimed at; but do not open the gates wide to pass inferior material, simply because it is Indian and not English. Do not sacrifice the ideals of quality to mere quantity. The establishment of simultaneous examinations would make the Indian Civil Service even less attractive than it is now; it would aggravate the disinclination of the more promising men to seek admission; it would tend to accentuate, rather than mitigate, distinctions between Englishmen and Indians; and it would not be in the interest of the best ideals of education in India. My view, then, mounts to this, that it would lower the standard of the Service generally; and Government must consider what the effect of this would be on the administration as a whole, and on the commercial and industrial development of the country. Would it serve the best interests of the masses. Would it foster moral and material progress? Would it tend to the more impartial administration of justice—to the better preservation of law and order? These are questions that demand earnest consideration. Under the existing system of administration it is the members of the Civil Service who have the best interests of the masses at heart; it is they who are looked to by the people to hold the balance between conflicting interests of religion, race and caste, to protect the weak and poor from the tyranny of power and wealth, to defend the *rakyat* against the ruinous exactions of the landlord, the private person from the extortions of petty officials, and to secure to all the profits of their own industry and trade. If the confidence of the people be shaken in the ability and inclination of the district officers to afford such protection and safety, a feeling of insecurity will rapidly spread, and cultivation, trade and progress generally will be checked. Another drawback to instituting a system of simultaneous examinations is that it would most probably result in a preponderance of

appointments falling into the hands of particular races or classes, to the exclusion of other very important communities; and it must be remembered that race and class prejudices are deep-rooted and persistent in this country. Moreover, there are many practical difficulties in the way of holding the same examination simultaneously in India. We have had so many instances of examination frauds in India. I notice that one witness went so far as to suggest that the examination in India should take place a fortnight after that in England. For obvious reasons this is out of the question. Then there is the difficulty of *viva voce* examination, which I, and most others who have had anything to do with the examination of candidates, regard as of paramount importance. Throughout the discussions on this subject there has been a tendency—much to be deprecated—of making the matter a racial question, instead of realising the fact, known to almost all who are in touch with the system of administration, that the crying want is an increase in the number of officers both European and Indian, and chiefly in the Provincial and Subordinate Services. Officers of the Executive and Judicial lines are nearly all overworked at present; and to this excessive work many of the shortcomings of officers in regard to knowledge of the languages, acquaintance with the people and their views and aspirations, etc., are due. The people who advocate these proposals, moreover, do not appear to have considered what the effect would be in future years, in view of the very rapid emancipation and education of the "Sudra castes." A purely competitive examination is not the best way to recruit men in India for appointments requiring the exercise of special qualities. Other attributes are even more important than mere intellectual capacity to pass examinations for the discharge of the duties falling upon the members of the Indian Civil Service, such as virility of mind and body that make for courage to act promptly and assume responsibility, administrative ability, including efficiency and power of control, impartiality and integrity. This subject has already been very fully considered in connection with the recruitment of the Provincial Civil Service, and the Government of India in 1904 came to the conclusion that the system of competitive examination is not a suitable or satisfactory system of admission to the Government service in this country. In Bengal, the competitive system was deliberately abandoned after many years' trial. The arguments will be found in the correspondence of the time.

39604 (8). Are you in favour of holding this examination simultaneously at any other centre or centres within His Majesty's Dominions?—I consider that the open competitive examination should be held at the one most appropriate centre, *viz.*, the capital of the Empire.

39605 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do

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you recommend?—I am not in favour of this proposal.

39606 (10). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend. In particular, do you consider it desirable that, whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?—In my opinion any such method would tend to lower the Indian Civil Service in the estimation of the public. It is most undesirable that any system should be adopted which would have this effect. The different communities and classes should, as far as practicable, be represented, if the confidence of the public is to be retained. By the public I mean the mass of the people of this country, who look up to the higher officers of Government to preserve their interests impartially and protect them from oppression and injustice.

39607 (11). If you are in favour of a system for the part recruitment of the Indian Civil Service by "Natives of India" in India, do you consider that "Natives of India" should still be eligible for appointment in England, or would you restrict that right to other natural-born subjects of His Majesty?—I would certainly not propose to go back upon the arrangement by which "Natives of India" are eligible for appointment in England.

39608 (12). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Services? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Services?—No.

39609 (13). Do you recommend any separate method of recruitment for the Judicial branch of the Indian Civil Service?—No.

39610 (14). Are you satisfied with the present definition of the term "Natives of India" in Section 6 of the Government of India Act, 1876 (33 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully any proposals that you wish to make in regard to this matter?—I think the present definition may be allowed to stand.

39611 (15). If the system of recruitment by open competitive examination in England is retained, please state the age limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University

course, or candidates at an intermediate stage of education?—I would recommend that the age limit for candidates at the open competitive examination be fixed at 17 to 19, with a view to attract candidates of the normal school-leaving age in England. In this way only do I think the best candidates from the public schools will be captured, before they have been allured by other professions. It is desirable in my opinion to excite the ambition of candidates from an early age, when they are more likely to devote themselves wholeheartedly to their career in India, and when, even if they fail to pass the open competitive examination, they will still have time to turn to some other career. A large proportion, moreover, of the young men whom we should encourage to compete cannot afford to wait for three or four years on the chance of securing a place by open competition. By fixing the later age limit many of the best men will slip through our hands. As Sir C. Trevelyan put it, "The man of first-rate power who has once tasted the sweets of University success will never be persuaded to give up his English hopes. At 22, in the full conceit of a glorious degree, in the full view of a Trinity or Merton fellowship, who would consent to exchange the Common Room *in esse*, and Downing Street *in posse*, for the bungalow and the catecherry?" By coming out at an earlier age, a young man is more easily acclimatised both bodily and mentally; he is more adaptable to the strange environment, and better able, as an experienced educationalist in India expressed it, "to make himself so much of an Oriental that by the vibration of his own feelings he can say how the measures of Government will affect his fellow-men." The members of the Civil Service should be in touch with Indian sentiment and with the current thoughts of the people around them. There are few stronger incentives for a man to put forth his best efforts than a feeling of high responsibility devolving upon him at an early age. Men of maturer character coming out to India at 24 or 25 are more independent of advice and guidance, less ready to assimilate the teaching of their surroundings, and unless successful in their career towards the very outset, they are apt to become disgusted with the work, and even to dislike the country. The drudgery of the first years of a young Civilian's life is more irksome or distasteful to them. They more frequently, moreover, come out engaged or married; and this is a serious drawback to a young officer at the most critical period of his career, as tending to impair his efficiency—often clogging him with debt. It is generally considered that the Natives of India have a better chance of passing the open competitive examination when the limit is fixed at a younger age. There can be no objection, therefore, on their part to the proposal. Besides this, account must be taken of the increasing number of Indian boys who are now being sent to England very young, with a view to their being educated there from the earliest school-going age upwards. It is probable that in the future the numbers of such will increase, and that we shall thus obtain a large number of Indians in the service who have had a thorough training on English lines. The prejudices

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against going to England are rapidly dying out.

39612 (16). What is your experience of the relative merits of the candidates selected under varying age limits, particularly under the systems in force from 1878 to 1891 (age limits 17—19 years, followed by two or three years' probation at an approved University) and since 1891 (age limits 21—23 or 22—24 years, followed by one year's probation)?—My experience is in favour of the younger age limit, followed by two years' probation. I think that the candidates who came out under that system received a better grounding in the subjects of essential importance to their duties in India, and took a keener interest in their duties out here and in the country generally.

39613 (17). What is your opinion regarding the suitability of the recent recruits to the Indian Civil Service?—I think there is evidence of falling off.

39614 (18). What is the most suitable age at which junior Civilians should arrive in India?—I would say about 22, or in other words when over 21 and under 23.

39615 (19). What age-limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age-limits for "Natives of India" and for other natural-born subjects of His Majesty?—The general view is that the younger age-limit is the more advantageous to Natives of India; but I have heard some opinions to the opposite effect. I recommend no differentiation between the age-limits for Natives of India and for other natural-born subjects of His Majesty.

39616 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well-educated young man of the period?—I accept the principle laid down by Lord Macaulay's Committee in 1854.

39617 (21). Please examine the table in Appendix I to these questions, which shows the various phases of the authorized syllabus of the open competitive examination, and state what changes, if any, are, in your opinion, desirable, differentiating between the cases of candidates (a) of school-leaving age, and (b) of University-leaving age?—I prefer the syllabus\* for the 1892-1905 period, but I would add Persian Language and Literature as an additional subject. I consider that a knowledge of the Persian Language and Literature is more useful to an Indian Civilian than that of Arabic. I would also raise the maximum number of marks allotted to

Sanskrit, Arabic and Persian to 600 each, with a view to encouraging the study of these languages at an earlier age. In this answer I take the age limit as 17 to 19. I understand that no *viva voce*† examination is held at present. I regard an oral examination as of paramount importance, as testing qualities in an examinee that cannot be judged from written answers.

39618 (22). Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates?—No.

39619 (23). Do you consider it necessary that certain posts should be reserved by Statute for officers recruited to the Indian Civil Service and, if so, what posts and for what reasons? Please state in detail what alterations (if any) you recommend in the Schedule of the Indian Civil Service Act of 1861 (24 and 25 Vict., c. 54). [Attention is invited to the provisions of the Indian Civil Service Act, 1861 (24 and 25 Vict., c. 54) and of the Government of India Act, 1870 (33 Vict., c. 3), reproduced as Appendices II and III to these questions?—Yes—"Salt Agents" and "Controller of Salt Chowkies" may be left out. Otherwise I am of opinion that no change is required in the schedule. Sections 3 and 4 of the Act of 1861 and section 6 of the Act of 1870 give sufficient power in exceptional circumstances.

39620 (24). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that "Natives of India" might, under present conditions, properly be admitted?—I hold it to be absolutely essential still, in order to maintain the high standard and efficiency of the Indian Civil Service, to guarantee the British tone in the administration, to preserve law and order, and to hold the balance evenly between the many discordant elements, racial, religious and material, to maintain a large proportion of Europeans in the higher posts of the Civil administration. I do not consider it to be either desirable or advisable to fix any rigid proportion, which must necessarily depend upon a consideration of many variable factors at any particular time. The fact remains that the British are responsible to the people for the good government of the country; and it is a fundamental axiom of constitutional government that responsibility and power must vest in the same hands. There should, on the other hand, be a fair proportion of Natives of India in the Civil Service, and I am in favour of gradually increasing the number of Indians in the Service as men with the necessary qualifications become available. I would afford facilities for the acquisition of these qualifications. [See also answer to question (3).] It should lie with the Government of India to say from time to time whether the proportion of Europeans can be decreased.

39621 (25). Do you accept as generally satisfactory in principle the present system under which "Natives of India" are recruited partly

\* So far as the subjects are concerned. The detailed course should be worked out by a special Committee, on which some retired members of the Service should sit.

† Except perhaps in modern languages.

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through the medium of an open competitive examination in England, and partly by special arrangement in India, in accordance either with rules framed under the provisions of section 6 of the Government of India Act, 1870 (33 Vict., c. 3), or with the provisions of the India Civil Service Act, 1861 (24 and 25 Vict., c. 54) ? Do you recommend any alterations in this system and, if so, what ?—The only suggestion I have to make is that contained in my answer to question (3) above. As regards section 6 of the Act of 1870, I am not satisfied that the system authorised thereby has had a very thorough trial. I readily admit that some, at all events, of the officers appointed under the rules framed in accordance with this section by the Government of India were failures, but I do not consider that it follows from this that the principle was at fault, but rather that suitable candidates were not available at the time, or if available, not chosen. At the same time, several of the officers that were appointed undoubtedly disclosed the same disabilities that attach to most of the members of the Provincial Civil Service. I attribute this largely to inherent disposition and the want of character training. I feel that something might be done to supply this want by establishing an institution on English lines in this country for the training and education from boyhood of young Indians of good stock and antecedents.

39622 (28). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived and, if so, what method of recruitment would you recommend ?—See answer to question (25). The power is there: suitable opportunities may arise in the future for its application. I would not make any general use of the Statute.

39623 (29). What experience have you had of military or other officers who have been specially recruited in India to fill Indian Civil Service posts, and how many such officers are employed in your province ? Please distinguish in your reply between (a) military officers, and (b) others; and give details of the latter ?—There are no such officers in this province. I have not come into official contact with such officers: but many of the most honoured names in the annals of Indian administration were military officers.

39624 (31). If the system of recruiting military officers in India has been stopped, or has never existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent should it be adopted ?—I do not recommend the re-introduction of the system under present conditions.

39625 (37). Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess ?—It has not given satisfaction to the members of the Provincial Civil Service. At present it involves friction. The listed posts, properly speaking, now mean only the "Superior" listed posts and such inferior listed posts as Under Secretary to Government. The only advantage

to the Provincial Civil Service is that they have obtained an increase to the higher grades of their cadre. The advantage to Government arises from the fact that if the designation of Joint Magistrate and Assistant Magistrate had been retained it would have encouraged those so designated to assert a preferential claim to the higher listed appointments, whereas Government did not wish to be fettered in any way in their choice, but wanted power to appoint to the superior listed posts solely by selection on account of proved merit and ability.

39626 (38). Is the class of posts listed suitable ?—Yes.

39627 (41). Are there any other ways in which "Natives of India" are appointed to your province to Civil Service posts ?—No.

39628 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England ? Do you recommend the continuance or abolition of this system ?—I regard a probationary course of instruction in England to be essential. It should, however, be a three years' course. A period of one year's probation is in my opinion wholly inadequate, and practically useless.

39629 (44). What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you ?—I recommend a 3 years' probationary course, under the modified system already suggested.

39630 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University ?—Yes.

39631 (46). If so, do you advise the selection of one or more Universities for this purpose and for what reasons ?—I think the two Universities of Oxford and Cambridge should be selected. The 3 years' course of training recommended by me would necessitate special arrangements, and these can best be made at one or two Universities, and not at a larger number. Moreover, it is possible that all the chief Universities might not be prepared to undertake to provide the special tuition necessary. It is also desirable that the candidates should receive their training at what are recognised as the premier Universities in England. The course should be linked up as far as practicable with the University lectures, so that there may be less tendency for the Indian Civil Service probationers to form a class apart. I would like to see established a 3 years' course leading to a degree in Oriental Studies, which could be taken up by other undergraduates contemplating service in India or the East, e.g., in the Indian Educational or Police services, or in private service in the East.

39632 (47). Do you consider that probationers should receive allowances during their period of probation ? If so, please give the scale and conditions that you recommend ?—Yes. I recommend an allowance of £150 *per annum*, on conditions similar to those in force up to 1891. This would operate as an additional encourage-

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ment to young men to go in for the Service. Though this allowance would not fully cover the charges incidental to a University career, it would be a very material help. On passing out finally, a first class passage to India should also be provided by Government.

39633 (49). Would it, in your opinion, be desirable to establish a separate institution in England for this purpose, and, if so, under what conditions?—I do not think this is necessary if the best of the Universities will agree to arrange for the courses of study required.

39634 (50). If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in 1854, that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University course?—I do not consider it necessary to lay down a principle of this nature, in view of the definite proposals I have made above. It is a matter of opinion, moreover, whether a young man at the age of 19 can be said to have completed his general education. Nor do I think it can be said that the training and instruction given at a University, and the influences and associations of a University life, during the 3 years of probation, will not have an effect upon the "general education" of a young man.

39635 (51). Please examine the statement printed as Appendix VI to these questions, showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you?—As I recommend a three years' period of probation, the course of studies would have to be widened and amplified. I am not prepared to frame a detailed syllabus: there would be no difficulty however in doing this. I shall merely say here that attention should be devoted to the classical and current languages of India and to the history, ethnology, religions, philosophy and customs of India. Special attention should be devoted to the political and economic history of the last two centuries, and to the careers and views of some of the best administrators. I have always regarded it as a serious omission that young Civilians are not compelled to study the biographies and writings of men like Munro, Malcolm, Elphinstone, Metcalfe, Sleeman, the Lawrences and Herbert Edwardes.

39636 (52). In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at Law Courts in England and reporting of cases; (ii) the teaching of Indian Law in addition to the general principles of jurisprudence; (iii) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of (a) Indian Geography, (b) Political Economy, (c)

Accounts?—I am of opinion that attendance at Law Courts should be enforced, as was done in the 1878-1891 period. Hindu and Muhammadan law should be part of the curriculum. I attach the utmost importance to a thorough grounding at an English University in the grammar and syntax of the Oriental classics and modern languages and the study of text-books in the literary language. It is not possible to obtain an equally scientific and systematic training in this country. Colloquial instruction should be left to be acquired in India. Indian Geography may be combined with Indian History. Instruction should be given in Political Economy; but I certainly do not recommend that Accounts should be added as a subject for the probationary course in England.

39637 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—In England.

39638 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?—There are many practical difficulties in the way of this proposal, and many objections to it. I think that the period of probation should be spent in England, and that one year's further training should be given in India. It may be suggested, perhaps, that this one year's training should be given at some central college in India. The conditions in the different provinces, however, are so varied, the peoples and languages, religions and customs, so many and so distinct, and the system of administration and even the methods of work so divergent, that I do not consider this would be practicable or advisable. I would prefer that the first year's training in India should be given at provincial centres, under a Civilian specially selected for his knowledge of the country and the people, their languages, religions and customs, and for his success as an administrator. The importance of young Civilians being subjected to good influence at the start of their career in this country cannot be over-estimated.

39639 (55). What is your opinion of a proposal that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—Assuming that the "probationary" period is spent in England, I think the proposal is a good one; but if such centres are formed the instruction and training given should not be confined to young civilians; it should be available for all young officers appointed from England, e.g. to the Police, Education and Public Works Departments, etc. See also my answer to the last question. The training in question must not, however, be confined to the four walls of a college. The young men must move about in the mufassal somewhere, so as to be in touch during this period with the actual working in practice of the administrative machine, and with the conditions of rural life.

39640 (56). In the report of the Treasury Committee appointed to consider the organisation of Oriental Studies in London (1909), the



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view is taken that the preliminary training in Oriental languages and in Law required by probationers can be given better in England than in India, because of the difficulties which junior Civilians would experience in learning these subjects in India, the lack of good teachers in Indian district head-quarters, the difficulty of even good Indian teachers appreciating the European student's point of view, and the difficulty of arduous study in a tropical climate. Do you consider that these objections could be met by a suitable scheme of instruction in India?—*Preliminary training in Oriental languages can be given better in England. There are not the same opportunities in India for obtaining a thorough and scientific grounding as there are at the English Universities. The foundation should be laid in Europe; the superstructure can be built out here.*

39641 (59). Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No.

39642 (60). Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—I am not satisfied with the present system. I think it might be improved and amplified. I would like to see a specially selected officer deputed for the purposes of this training in each province. The average Collector has not sufficient leisure now-a-days from his own duties to give adequate attention to the training of the junior Civilians posted to his district. (See also answers to questions (54) and (55).)

39643 (61). Is the existing system of Departmental examinations suitable, and if not, what change do you recommend?—I regard the present system of departmental examinations as unsatisfactory. I would much prefer a year's training under a specially selected officer, with one examination at the end of it. The examinations should be held at a single centre in each province. The Bengal system of holding these examinations at each Divisional headquarters led to serious abuse in my opinion. The standard was often very different at different centres. The system of examination in languages requires to be overhauled.

39644 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and if not, how could this best be remedied?—I do, most decidedly. The causes are many. Among others the following may be cited as the chief:—(i) The enormous increase in desk work, which prevents an officer from moving about his district and coming into contact with the vernacular-speaking population as much as he used to in the old days. (ii) Inadequate encouragement on the part of

Government. I mean by this that at present Government does not take sufficiently into consideration at the time of promotion or at the time of appointment to the more coveted posts the familiarity of officers with the vernacular languages. (iii) The spread of the knowledge of English among clerks and subordinates of all departments. (iv) The frequency of transfers. (v) The greater facilities for spending leave out of India. (vi) The tests applied at the departmental examinations have not been sufficiently thorough. (vii) The men coming out under the later age limit do not seem to take the same interest in learning the languages thoroughly. The older a man grows, the more difficult it is for him to pick up a colloquial knowledge of a language. They have not, besides, had the same grounding in the languages, under the one-year probation system. Officers do not always attain to an adequate proficiency in the Indian languages. I consider that it should be a recognised principle that promotion will depend more largely upon proficiency in the languages than has hitherto been the case. I have known officers in the highest position who could not converse intelligibly with an Indian gentleman of the old school who does not know English. There are some officers who pride themselves on knowing what is termed the *ganwari*, or vulgar dialect, and who cannot speak correctly the vernacular languages of the upper classes. It is most essential that members of the Civil Service should be able to converse in the polite vernacular with Indian gentlemen, as well as in the dialects with the lower orders of society. An officer can never be in complete touch with the people unless he can converse in the vernacular fluently, and unless he understands the subtleties of the language. If a three years' course at the University is prescribed, the thorough grounding received during this period in the languages will go a long way to remedy the defect. It will be much easier to acquire colloquial proficiency thereafter. After the first year's training in India, the examination in the vernacular, especially the oral examination, should be held by a thoroughly competent examiner. Language leave should be allowed for study for the High Proficiency and Degree of Honour examinations in the vernaculars, and some special consideration should be shown to officers who pass these examinations.

39645 (63). Do you recommend any changes in the rules for the encouragement of the study of Oriental languages, and if so, what changes?—No; except what I have suggested in my answer to the last question.

39646 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch. In particular, do you favour a system of granting study leave to Europe, and if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?—My view is that the members of the Civil Service should be called upon to elect between

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the Executive and the Judicial branches of the service after they have completed 5 (five) years' service. If an officer elect for the Judicial branch, he should be appointed to act as a Munsif for a short period, say of 6 months or so. On his completing 6 years' service he should be granted furlough to Europe, sufficient to enable him to study in chambers under a selected barrister, and be called to the Bar. On his return to India he should perform the ordinary duties of a Subordinate Judge for a time. Thereafter he would be eligible for appointment as a District and Sessions Judge. I am not in favour of officers electing between the two branches of the Service at the commencement of their probationary course in England. I consider that the general course of subjects prescribed for the probationary period are as essential for Judicial officers as for magisterial and executive officers. During the probationary period all officers would get a thorough grounding in law and obtain a practical acquaintance with the procedure and working of the courts by attendance at the Law Courts. I think that during the first 5 years of their service in India, all officers, including those who will ultimately join the Judicial branch, should have a thorough training in magisterial, revenue and executive duties, and that all should have a training in Settlement work. The knowledge and experience of the people, their languages and their religious and social customs, their systems of agriculture and the ordinary conditions of rural life in this country thus acquired are of primary importance, and essential for the just administration of the laws. While making these proposals for improvement, I do not for a moment admit that members of the Indian Civil Service ordinarily make bad Judges. Some of the best Judges on the High Court benches have been Civilian; and ordinarily I think they are the better Judges of fact.

39647 (65). Do you recommend any special course of study in law in India for officers selected for the Judicial branch?—No.

39648 (66). Do you recommend any special training in subordinate judicial posts for officers selected for the Judicial branch? If so, please give details?—I do. I think that officers who elect for the Judicial branch of the Service should be required to perform, for fixed periods, the ordinary duties of a Munsif and of a Subordinate Judge.

39649 (67). Do you recommend any system for encouraging the higher study of law analogous to the rules for the encouragement of the study of Oriental languages?—No; except the encouragement suggested in the answer to question (64).

39650 (68). Is any differentiation desirable in the system of training after appointment in India between members of the Indian Civil Service who are "Natives of India" and other natural-born subjects of His Majesty?—No.

39651 (70). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are "Natives of India" as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent?

If so, please state your proposals.—No, except that persons of unmixed Indian descent will not require instruction in their own vernacular.

39652 (72). The present theory underlying the conditions of service in the Indian Civil Service is that—(a) the members of the Service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones; and (b) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties. To secure these objects the number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 *per mensem* is ascertained, and it is endeavoured to recruit only sufficient officers to make it probable that each officer will find himself officiating with practical permanency in at least the lowest of those appointments after the completion of eight years' service. Do you accept this system? If so, do you consider that the period of eight years is suitable, or do you recommend any change? What alteration (if any) would be necessary if the age of recruitment were lowered?—I do not recommend any change.

39653 (73). It is also part of the existing system that officers of over two but under eight years' completed service should fill with practical permanency in the ordinary course of promotion charges of minor responsibility, called technically "inferior posts," and should be drawing pay at rates above that of the lowest grade, but not exceeding Rs. 1,000 *per mensem*. Do you accept this as a suitable arrangement? If not, what alteration would you suggest, and for what reasons?—I do not recommend any change.

39654 (87). Are you satisfied that under the existing system of promotion, the interests of individual officers and of the administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—I recommend that the Secretary of State should have power in special cases to retire compulsorily officers who, after prolonged trial, are found inefficient. There is a good deal of feeling in the Service that when selection for special appointments is made, the local officers are frequently not consulted, and such selection is liable to depend upon the personal views of officers at headquarters, who are perhaps not thoroughly acquainted with all the material available. It is thought, for instance, that when the choice for a particular post will fall upon an officer in the grades of Collectors, all Commissioners should be consulted, and that when the choice must fall upon an officer in the grades of Joint or Assistant Magistrates, the Collectors should be consulted through the Commissioners. It is most undesirable that there should be any possibility of a suspicion that personal fancies are allowed to operate in such selection, or indeed that any considerations are permitted to have influence except that of real merit.

39655 (88). To what extent are the functions of the officers of the Executive and Judicial branches of the Indian Civil Service differentiated? Is any change desirable and, if so, in what directions?—I recommend no



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differentiation during the first five years. After that, I think officers intending to adopt the judicial line should specialise and be confined to judicial work. See also answer to question (84) above. At present the differentiation practically takes place when a member of the Civil Service is first appointed to act as a District and Sessions Judge, as after that he usually holds only judicial appointments, though the election by officers between the two branches takes place in the 13th year of service. I deprecate the complete separation of "judicial" and executive functions in this country, as being contrary not only to all tradition but also to the deep-rooted sentiments and habits of the masses. The country is not ready for such an arrangement, though the principle underlying the proposal may be correct in theory according to Western ideas. At the same time I strongly advocate the proper training of judicial officers. I think the District Magistrates might be relieved of the functions of an appellate court from the decisions of Magistrates of the 2nd and 3rd classes, and the hearing of such appeals transferred to the Sessions Court or to an Additional Sessions Judge. An officer who has elected for the judicial branch of the Service, and who has been through the special training in England suggested in the answer to question (84) above, might suitably be vested with such appellate powers. I would, in so far as the District Magistrate, who is, and who must remain, the head of the police, is concerned, make the provisions of section 191, Criminal Procedure Code, applicable to police reports under section 190 (1) (2) of the same Code. I would also agree to the District Magistrate being relieved of the trial of cases. Otherwise the District Officer should continue to be the head of the magistracy in the district. [See also answer to question (18) relating to the Provincial Civil Service.]

39656 (92). Are the present rates of pay and grading suitable? If not, what alterations do you recommend?—I think the gap between the present first grade of Joint Magistrates on Rs. 900 and the lowest grade of Collectors on Rs. 1,500 is too wide. A grade of Joint Magistrates on Rs. 1,200 would meet the want in this respect.

39657 (93). If any dissatisfaction is felt, does it relate to the pay or grading of the higher or lower posts or to both?—See last question. There is a good deal of dissatisfaction also as to the pay of the 3rd and 2nd grades of Magistrates, *viz.*, that the pay should be raised in these cases.

39658 (94). Do you consider it desirable that there should be uniformity of payment for similar kinds of work in all the provinces, and does any dissatisfaction on this score exist in your province, and if so, what?—There should be uniformity of payment for similar kinds of work in all the provinces, *as far as practicable*. See also answer to the last question.

39659 (95). Do you consider that the exchange compensation allowance introduced in 1898, eligibility for which depends on nationality or domicile, should be abolished, and if so, under what conditions? Should such abolition apply to officers already employed or be restricted to

future entrants?—The exchange compensation allowance should only be abolished if the rates of pay be correspondingly increased. If this be done the change may be introduced at any time.

39660 (96). If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the Service who now draw no exchange compensation allowance?—Members of the Service whose domicile is in India should not get exchange compensation allowance or an increase of salary in lieu of exchange compensation allowance; but if the rates of pay be increased all round, all members of the Service should be treated alike.

39661 (97). How does the system of acting allowances work in the case of officers selected to officiate in appointments involving increased responsibility? Is it productive of any inconvenience and have you any suggestion to make on the subject?—I accept the system, and have no suggestion to make.

39662 (98). How is the system of officiating grade promotions, where there is no change of duties, actually worked? Is the system convenient in the interests both of the Government and of the officers of the Service? Have you any recommendations to make for its alteration?—Though it involves considerable clerical labour, the system works smoothly, and I accept it as satisfactory.

39663 (99). What is your opinion regarding the substitution for the existing graded system of promotion of a time-scale of salary? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service or not?—I am not in favour of a time-scale in the case of the Indian Civil Service.

39664 (101). What is your experience of the practical working of time-scales of pay in other Indian services?—I think it tends to check the display of zeal.

39665 (104). Turning now to the case of the Statutory Civilian and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rate do you suggest for the various grades of the Service?—I approve of the present arrangement.

39666 (106). Is there any reason to suppose that officers of the Indian Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?—This is a question that should be answered by the Secretariat. I am inclined to think that leave is taken at more frequent intervals than it was 20 years ago, but that less furlough is taken, as officers cannot afford to live at home now on their furlough pay.

39667 (108). Is all the furlough due to them ordinarily taken by officers of the Indian Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?—The first part of this question should be answered by the Secretariat. As regards furlough, I think

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the proposals contained in the Government of India, Finance Department, letter No. 538-C.S.R., dated the 13th September 1912, are generally suitable. An officer should be able to take his first furlough after six years' service. The present eight years' service limit is not suitable in my opinion, as after about eight years' service an officer usually has a chance of acting as a Collector for a considerable period. It may be very inconvenient to him, and to the Government also, that he should take furlough then.

39668 (109). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—I consider that the present maximum furlough allowance (£1,000) is inadequate, in view of the greatly increased cost of living and the heavy deduction on account of Income-Tax. The limit should be raised to at least £1,200 *per annum*.

39669 (110). Do you recommend any change in the concession, granted in 1893, under which leave allowances expressed in rupees, other than privilege leave allowances, issued at the Home Treasury, or in a Colony with a gold standard of currency, are issued in sterling at the privilege rate of exchange of 1s. 6d. the rupee?—No.

39670 (113). Generally speaking, do any of the present leave rules applicable to the Indian Civil Service cause inconvenience to the Administration, and if so what, and what remedy do you suggest?—Should be answered by the Secretariat. One way of meeting the transfer difficulty would be more frequently to appoint the senior Provincial Service Officer on the spot to act in the case of short vacancies, up to, say, three months.

39671 (114). In particular are they a contributory cause of excessive transfers of officers of the Indian Civil Service, and if so, how can this difficulty be met?—I think the present limitations as to privilege leave do act as a contributory cause of transfers, as they encourage officers to take leave for short periods of three months. I think some provisions such as what I have suggested under question (115) would be an improvement.

39672 (115). Do any of the present leave rules press hardly in any way on officers of the Indian Civil Service themselves and, if so, in what respects? What is, in your opinion, the appropriate remedy?—I consider that the present rules governing the grant of privilege leave give rise to hardship. It would frequently be more advantageous to officers, and often more convenient to the administration, if they could let their privilege leave accumulate for, say, six months. An officer is entitled to one month's privilege leave on full pay after 11 months' service; this if allowed to accumulate would amount to two years on full pay in 24 years' service. He should be allowed to take privilege leave on full pay for six months, and to combine this with furlough up to 18 months in all. This may involve some extra expenditure; but this should be accepted, and the rules laid down in a broad-minded spirit, without regard to petty savings here and there.

39673 (116). Do the present leave rules applicable to Statutory Civilians, or to officers

of the Provincial Civil Services employed in listed posts, cause any inconvenience to the Administration, or press hardly on the officers themselves, and in what respects? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?—The first part of this question should be answered by the Secretariat. I do not think that separate sets of rules are necessary.

39674 (118). Is the present system of equal annuities to all members of the Indian Civil Service generally accepted as satisfactory by the Government and by the members of the Indian Civil Service?—No, not altogether.

39675 (119). Would a non-contributory system of superannuation pensions, varying in amount with the amount of salary drawn at the time of retirement, be preferable in the interests either of the Government or of the members of the Indian Civil Service?—I do not think so.

39676 (120). Assuming the maintenance of the annuity system, do you suggest any modifications in its detailed working, and, if so, what, and for what reasons?—I think the rate of pension should be increased. Considering the amount which the members of the Service contribute towards their pensions, they are really less than can be earned in many other services; and the general public do not understand to what extent the Indian Civilian pays for his own pension. How very far the pension is from being generous will be understood by comparing the case of a Civilian who after passing 25 years in one of the most laborious services in the world obtains a pension of £1,000 a year, of which it is believed Government pays only half or little more than half, while a barrister or vakil Judge of the High Court after only 11½ years in the Court is given a pension of £1,200 a year, without his contributing anything towards it; and a Barrister Chief Judge of the Small Cause Court, after 15 years' service is given a pension of £750 sterling without subscribing anything towards it. It is most desirable that an actuarial enquiry should be carried out, with a view to ascertain as accurately as possible what is the average amount of pension that actually falls upon Government. Owing to the increased cost of living in this country, the diminished value of the rupee and the heavy expenses that have to be incurred by a member of the Civil Service if he does his bare duty in the way of entertaining and maintaining the dignity of his Service, it is impossible for him to save any money out here. In my opinion a Lieutenant-Governor should receive a pension of £1,500, a Member of the Executive Council, a Judge of the High Court and a Member of the Board of Revenue should receive £1,250 as pension, after serving 5 years in such office. Another suggestion is that, in the case of officers of the executive side of the Service, for each year served after the minimum period for full pension, an officer should become entitled to an extra £25 of pension. If this system be adopted, I would make it conditional upon the officer having served as a Commissioner of a Division, Chief Secretary, Member of the

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Board of Revenue or Member of the Executive Council for 5 years, or in more than one of these higher appointments for an aggregate term of 5 years. Lieutenant-Governors would get £1,500 and Judges of the High Court £1,250, after 5 years as such. See also answer to question (125). I think that the best officers in the Service should be encouraged to stay on while they are still in robust health of body and mind, and their knowledge and ripe experience not be lost to the country.

39677 (121). In particular, what is your opinion of the arrangement by which members of the Indian Civil Service, who are appointed Judges of High Courts, obtain special pensions of £1,200 a year, after 11½ years' actual service as Judges? Do you recommend any change in the present condition?—I regard it as anomalous, and wholly unfair, that a barrister or vakil Judge after 11½ years in the Court should receive the same pension as a Civilian Judge who has put in so many years hard public service—perhaps 25 years—before entering the Court, and who has already contributed so much towards his pension. Moreover, with the 60 years of age limit, very few Civilian Judges will be able to complete 11½ years' service in the High Court.

39678 (122). Do you consider that a similar system should be applied to the cases of high Executive officers, and if so, to which? Please state the amount of pension and the conditions which you recommend as suitable?—See answer to question (120). Members of the Executive Council of the Governor-General should receive a pension of £1,500, to place them on a par in this respect with Lieutenant-Governors. In this connection see answer to question (137) *infra*.

39679 (124). Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?—I recommend, as already stated [question (87)], that the Secretary of State should have power to retire compulsorily inefficient officers on proportionate pension. Such cases should be dealt with in the first instance by a commission consisting of at least two senior members of the Service. Their report would be submitted through the Local Government and the Government of India; but it is important that the final order should be passed by the Secretary of State. The authority that appoints should remove. The scale of pension should be the same as that for retirement on medical certificate; but the scale for the latter should be considerably improved.

39680 (125). Do you consider the existing pension rules suitable in the interests both of the Government and of the members of the Indian Civil Service? In particular, what is your opinion of the present rules regulating voluntary and compulsory retirement?—I think there is a good deal to be said in favour of a suggestion which has been made for encouraging members of the Service not to retire after 25 years' service by offering an increase of pension for each year served after 25 years' service. I

think it is in the interests of the Government and of the people that officers of ripe experience and knowledge should be encouraged to continue to work in this country while they are still in vigorous physical and mental health.

39681 (128). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Services holding listed posts? If not, what do you suggest?—I would give an extra pension of Rs. 1,000 a year to every member of the Provincial Civil Service who has held a listed post for three years and performed the duties thereof to the satisfaction of the Local Government; and I would authorise the Government of India to increase this to Rs. 2,000 for specially meritorious service.

39682 (129). Do you accept as satisfactory the regulations of the Indian Family Pension Fund, or have you any suggestions to make either for their abolition or for their alteration? Have you any proposals to make in regard to the present methods of working such regulations?—I consider it wholly anomalous and unfair that unmarried members of the Service should be forced to subscribe.

39683 (130). In particular do you approve of the exclusion from their benefits of "Natives of India," who are members of the Indian Civil Service? If not, under what conditions would you admit them, having regard to the main differences between their social conditions and those of the European members on which the present system is based?—I think that "Natives of India" who are members of the Indian Civil Service may be admitted to the benefits of the Indian Family Pension Fund. [The benefits should, of course, be limited to one wife.]

39684 (131). Do you recommend that such admission should be optional or compulsory?—The condition should be the same for both races.

39685 (137). Have you any other proposals to make in regard to the Indian Civil Service not covered by your answers to the above questions? If so, please explain them?—I am strongly of opinion that a Membership of the Executive Council of the Governor-General should be placed upon a higher footing than at present. The posts in this Executive Council should ordinarily be filled by officers who have served as a Lieutenant-Governor or Chief Commissioner. The Viceroy and Governor-General, should, in my opinion, have officers of the ripest experience to advise and guide him. An officer who has had personal experience of governing a province is much better qualified to advise on matters relating to provincial administration than an officer who has not had this experience, and his opinion must necessarily carry more weight. Moreover, I think it is undesirable that a Member of the Viceroy's Executive Council should hold further office in India. Another proposal I would like to make with a view to discouraging constant transfers of officers, which I regard as one of the most serious drawbacks to good administration, *viz.*, that if an officer is transferred in less than three years from any particular post to a post in another district, for no fault of his own, he should be paid the actual expenses involved by the move, up to a reasonable

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limit. The frequency of transfers is one of the greatest defects in the administration. I am of opinion that suitable official residences should be provided at each station for the members of the Service holding higher appointments.

*Written answers relating to the Provincial Civil Service.*

39686 (1). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—They are generally suitable.

39687 (2). Please supply a copy of the Rules for the Recruitment of the Provincial Civil Service in force in your province. Are these rules suitable, or have you any recommendations to make for their alteration?—I would submit for consideration whether the present system of nomination, in which the question of class and community representation is admittedly a factor, might not with advantage be changed to a system under which a number of candidates from each class or community should be nominated and the nominated candidates of each class allowed to compete *inter se*. For instance, supposing there are 10 vacancies in any one year, of which 7 should be filled by Bihari Hindus, 2 by Bihari Muhammadans and one by a European or Anglo-Indian, Government would call for nominations for each class in excess of the number of vacancies, say 20 nominations of Bihari Hindus, 5 nominations of Bihari Muhammadans and 3 nominations of Europeans or Anglo-Indians. A competitive examination would then be held. The 7 Bihari Hindus standing highest on the list, the 2 Bihari Muhammadans standing highest among the Muhammadans, and the European or Anglo-Indian who stands highest among the 3 of that class would then be selected for appointment. Such a system would go some way towards meeting a very widespread feeling of dissatisfaction with the present system of nomination. It would also have the advantage of providing a very fair criterion of selection in cases where nominated candidates have much the same apparent claims. This proposal refers to the Executive branch of the Service. In regard to the Judicial branch, I recommend that the age-limit be reduced. By the time a member of this Service rises to the first grade of Subordinate Judge, and has the chance of appointment to a listed post, he is ordinarily much beyond his prime. I would suggest 24, *i.e.*, under 25, as the age limit for enrolment, and 25, *i.e.*, under 26, for first acting appointment. I am inclined to think that the effect of such a change would be that we would get better men than we do at present. The three years' practice at present prescribed seems quite unnecessary. Only a very exceptional man acquires an appreciable practice in the first three years. And if he does acquire a practice in this time, it is most unlikely that he will seek enrolment in the list of candidates. There is time enough for practice after enrolment. Moreover, the present course for the B. L. provides

for a much more practical training. One year's attendance in the Courts might be insisted on. Even this is not indispensable. Officiating officers should receive a suitable allowance; and enrolled candidates when not officiating should be assigned definite duties by the District Judge.

39688 (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—In regard to the Provincial Civil Service I consider that the present system of nomination is more suitable than a system of pure competition; but I would prefer the system which I have indicated in the answer to question (2) above.

39689 (7). To what extent are non-residents of the province employed in your Provincial Civil Service? Do you consider that only residents of the province should ordinarily be recruited?—The first part of this question should be answered by the Secretariat. Only residents of the province should ordinarily be recruited in the Provincial Civil Service.

39690 (8). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—The system of having all classes of the community represented in the Service should always be kept in view if the confidence of the public is to be retained. All communities at present are not duly represented; but this is largely due to the fact that certain communities are more backward in education than others. The system that I have suggested in the answer to question (2) above would sufficiently secure this object.

39691 (9). What is the system of training and probation adopted for officers of the Provincial Civil Service? Do you consider it satisfactory, and if not, what alterations do you recommend?—The system is fairly satisfactory.

39692 (10). Is the existing system of departmental examinations suitable, and if not, what changes do you recommend?—Fairly satisfactory. I would be inclined to separate the Criminal laws from the Revenue laws. At present they are taken together as one subject, inasmuch as if an officer gets pass marks in Criminal law but fails in Revenue law, he will have to appear again for both Criminal and Revenue law. Officers very often prefer to take up one branch at a time, and I would enable them to do this.

39693 (11). Do you consider that any change should be made in the classes of offices and appointments at present included in your Provincial Civil Service?—I suggest that a Registrarship in the Secretariat might be thrown open to the Provincial Civil Service, with a view to giving Secretariat training to some of the men in the more junior grades.

39694 (15). What is the annual rate of recruitment and how is it fixed? Has it worked

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well in practice and does it secure an even flow of promotion?—(i) Should be answered by the Secretariat. (ii) There is a general complaint that promotion is too slow in the lower grades.

39695 (17). Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—The present conditions are generally satisfactory. Appointments to the listed posts must be governed by considerations of fitness, irrespective of length of service. The Local Government should have power to retire compulsorily inefficient officers on a proportionate pension. These remarks apply to both the executive and judicial branches of the service.

39696 (18). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and if so, in what direction?—The two branches are fully differentiated, except in a few districts, inhabited largely by aboriginal and backward tribes, where Deputy Magistrate-Collectors have the powers of a Sub-Judge or Munsif, or Munsifs have the powers of a Magistrate. No change is required in this respect. In respect of the executive branch of the Provincial Civil Service, I am of opinion that at the head-quarters of each district certain officers should be deputed to perform magisterial duties, and others to perform the duties of the Collectorate or revenue side. To this extent judicial and executive duties should be differentiated.

39697 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—The present system is satisfactory.

39698 (20). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service? If not, what change would you suggest?—See answer to question (37) relating to the Indian Civil Service.

39699 (21). Are you satisfied with the present designation the "Provincial Civil Service"?—Yes.

39700 (22). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—I accept the principle.

39701 (24). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—I consider that a senior grade on Rs. 1,000 should be added in the case of the Executive Branch to correspond

with the Rs. 1,000 grade in the Judicial Branch.

39702 (25). Are you satisfied with the present system under which officiating promotions are not made in the Provincial Civil Service? If not, what alteration do you recommend?—I do not recommend any alteration.

39703 (26). What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service, or not?—There is much to be said in favour of a time-scale in both branches of the service up to the Rs. 500 grade, subject, of course, to approved good service; but what is really more important is to readjust the grades, so as to prevent the excessive block that occurs at present in the lower grades (Rs. 300 to Rs. 500). This should, at all events, be rectified.

39704 (27). As an alternative, do you recommend a system by which each main class of appointment would have a separate time-scale?—No.

39705 (28). What is your experience of the practical working of time-scales of pay in other Indian Services?—I have no personal experience.

39706 (30). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—I accept the arrangement.

39707 (34). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—Suitable, generally. I would allow Provincial Civil Service officers to take a certain amount of furlough on full pay, limiting this to half the amount of furlough due, e.g., instead of taking 12 months' furlough on half pay, they might be permitted to take 6 months on full pay.

39708 (35). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable?—Suitable.

39709 (36). Have you any recommendations to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible are suitable?—I think that members of the Judicial Branch might be allowed 15 days' privilege leave *per annum*, which they could save for three years, i.e., up to 45 days. Otherwise I am of opinion that the proposals contained in the Government of India, Financial Department, letter No. 674-C. S. R., dated the 19th October 1912, may be accepted in so far as the Provincial Service is concerned.

39710 (40). Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?—There is a strong feeling among the members of the Provincial Civil Service that the establishment of a system of Provident Fund on lines somewhat similar to that

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in force in the East Indian Railway Company's service would be more suitable than the present system of superannuation pensions. I am inclined to agree in this view.

39711 (42). Do you approve of the grant of reduced pensions for such officers as may be found to be inefficient but whom it may be difficult to retire without some provision for their subsistence? If so, what do you suggest?—Government should have power to retire compulsorily for proved inefficiency on proportionate pension, on the lines suggested in the case of the Indian Civil Service [question (124) above].

39712 (43). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Service holding listed posts? If not, what do you suggest?—An additional pension of Rs. 1,000 *per annum* should be given to officers after three years' approved service in listed posts, and the Government of India should have power to grant up to Rs. 2,000 for specially meritorious service.

39713 (46). Are you satisfied with the existing organization of the Provincial Civil Service? If not, please state what alternative organization you consider desirable; and explain fully your views, making any suggestions that appear to you to be suitable?—Subject to the suggestions made above, I consider the existing organization to be fairly satisfactory.

39714 (47). Have you any other proposals to make in regard to the Provincial Civil

Service not covered by your answers to the above questions? If so, please explain them?—There is one proposal I would like to make in respect of the Judicial branch of the Service, *i. e.*, that at least one seat on the local bench of the High Court should be allowed to this Service. I would make the rule suggested in my answer to question (137) in respect of the Indian Civil Service, regarding the payment of transfer expenses, applicable to members of the Provincial Service also. What is really most required is an increase of cadre. The members of the Service (both branches) are generally much overworked, and leave has frequently to be refused on the ground that officers are not available to fill the vacancies. I may mention here that there is a great deal of dissatisfaction among the members of what is called the Subordinate Civil Service—the Sub-Deputy Collectors. These officers feel, and with reason, that although they are recruited from the same classes as the members of the Provincial Civil Service, and have similar educational qualifications, there is a marked difference in their duties, in their prospects of advancement, and in the position which they hold in the eyes of the public and of their brother officers. As at present constituted, I think the two services should be amalgamated. For the outdoor duties for which Sub-Deputy Collectors were originally intended, I think a different class of officers should be enlisted, University qualifications not being so necessary for this kind of work.

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39715. (Chairman.) You are Commissioner of the Patna Division?—I am.

39716. How many years have you occupied that position?—I have been here for just about a year.

39717. In answer to question (17) you say that there is evidence of a falling off in the recent recruits to the Indian Civil Service. Do you mean that as a body they are too set in their opinions when they arrive out here?—My view is that the men who come out now are more set; their character is more formed; they are not so adaptable to the environment of this country; they are, in my opinion, not so keen, generally, in their work; and they do not take the whole-hearted interest in their work which the men did who came out under the younger age conditions. That is my view.

39718. By way of remedying this, you would like to see competition combined with some form of selection?—I should like to see the age limit reduced so as to attract young men at the school-leaving age.

39719. You set more store by the reduction of the age than you do by nomination?—I do, though I have also advocated a modified system of recruitment as far as that may be practicable, it is a very difficult matter indeed. But I am strongly of opinion that the younger age-limits are better for this country and for our Service.

39720. On the other hand, you would like to see the young Civilian entering upon his work two or three years sooner than he does at present?—About two or three years out here. I should like to see him start his probationary course earlier at home, and have a longer probationary course.

39721. As regards Indians, I understand you would like to see boys chosen, and placed in a special college in India, and out of them certain students selected and sent to England for the examination?—The complaint made at the present time, if I may roughly explain my meaning, is that Indians are at a disadvantage under the present system of a single competitive examination in London. I admit that they are, to a certain extent, at a disadvantage; and I would like to do something to enable young Indians to overcome that disadvantage. I have suggested a rough scheme—it is a rough idea, as one way, perhaps, of meeting that objection to the one examination in London.

39722. But do you not think that reducing the age would add disabilities to Indians in passing through their examination in London?—I do not agree with that view. My own experience is that under the younger age limits more Indians got in.

39723. Was the average of successful candidates during those years higher than the average of recent years?—I think more Indians got in under the younger age conditions.

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39724. You do not think that there would be a difficulty for a young Indian of 18 leaving this country before he has gone through his graduate course here, and that he would be unlikely to compete successfully in the examination at home?—If he were specially trained at a special College, there would be no difficulty, in my opinion. He would have almost as good a chance as a boy from an English public school.

39725. You would send him to this special College at about 13 or 14?—I would give him an opportunity of going there. I would send him at the ordinary age at which a young man joins a public-school at home.

39726. Would these boys have to pay for their education in this College, or would it be granted by the State?—I think they should pay for their education at this College, just as much as they have to pay for their education at any other institution at present in this country. But the Government would provide the very best education on English lines. It would be cheap.

39727. As an alternative to that scheme, what would be your objection to the institution of an examination in this country, successful candidates in that competitive examination being sent to England for a three years' University course?—The chief objection which I see to this is that these young men will not come under the influence of European training until their character is more or less formed. I should prefer that they should come under the influence of English training at a younger age, when they are still impressionable.

39728. The College which you suggest would be conducted by European masters?—Certainly. I think the great majority, or at any rate a large proportion, of the masters should be European; and they should be some of the very best men we could get.

39729. You do not think that a three years' course at the University after passing the examination at 18 would give that sufficient amount of European training for a Civil Servant?—It would not give as much, and I do not think it would give sufficient. You could not say that, if a young fellow at the age of 18 out here is sent home to England for a three years' probationary course he will ordinarily attain those English qualifications which we regard as essential for the Civil Service.

39730. Assuming that the age was reduced, a considerable number of Indians would go through the examination at home without that training. It would not necessarily follow that they would all go to this College which you suggest, and for which they would have to pay themselves. They would go direct from India and pass through their course?—You cannot under any system bar Indians from going in for the open competitive examination.

39731. So that the Indian who went through that course would be going through precisely the same course except that he would pass the

examination in England; whereas the others would be passing the examination in India. Your objection to an Indian examination is that the candidate would not get the English training prior to the examination, is it not?—Yes.

39732. Then what would be the difference between that Indians who would go direct from India, pass the competitive examination and go through the University course, and the Indians who passed the examination here and then went to England and passed through a three years' course at the University?—There would be practically no difference between them.

39733. You would maintain the existing system of listed posts: would you be prepared to increase those posts?—I do not think I have said that I would be prepared to increase the posts. I am quite prepared to accept the present arrangement of listed posts.

39734. You would leave the listed posts as they are?—Yes.

39735. In answer to question (7) you refer incidentally to the fact that "the crying want is an increase in the number of officers both European and Indian, and chiefly in the Provincial and Subordinate Services." And you also say "officers of the Executive and Judicial lines are nearly all overworked at present." Will you tell us the number of hours which, in your experience, officers have to work and in what direction you would strengthen the cadre to meet this difficulty?—I can speak more particularly of the Executive Branch of the Provincial Civil Service, though I have some experience also of the fact that members of the Judicial Branch of the Provincial Civil Service are overworked and in some cases, perhaps, more overworked even than the members of the Executive Branch of that service. Their hours of work are ordinarily from 11 to 5; but these officers have very frequently to work on until 6, 7 or even 8 o'clock at night, besides having to work at their own houses before coming to office, and after going back from office. I think it is admitted on all hands by those who have had experience of the administration in this country that the members of the Provincial Service are, as a rule, overworked, and that the Service needs strengthening.

39736. Have you any definite suggestion to make with a view to relieving this pressure?—My proposal would be to increase the strength of the cadre of the Provincial Civil Service, and to improve the gradation of that cadre. The numbers in the grades are ill-arranged (I am speaking now for this Province and also for Bengal because till last April my service has been in Bengal), the result being that there is an excessive block in promotion. I think the Executive Service might reasonably and justifiably ask that this defect should be remedied at once.

39737. You would like to see a complete re-grading right through: but have you any specific proposal to make that would really be helpful to us?—I should adopt the grading



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which is recognised generally in this country, the grading proposed by Sir David Barbour when he was out here. It is generally known as the Barbour scale. It ensures a fairly even flow of promotion.

39738. You would prefer that grading to a time-scale?—That is another question. I am not opposed to a time-scale, at all events, up to, say, the Rs. 500 grade. I am not opposed to a time-scale; in fact a time-scale in the lower grades would have many advantages; but whether the defect could best be remedied by re-gradation, or by introducing a time-scale, I can hardly say. What is also indispensable is an increase in the numbers of the Service. Additional officers should be added to all the grades, and this addition should be made right through the grades from top to bottom. The total strength of the Service is insufficient.

39739. You are not in a position to give us anything definitely?—Not in figures. The Secretariat will do that.

39740. What is your opinion about the proposal which has often been made to us of a time-scale right through in compartments, with selection from the Rs. 500 grade into the higher grade?—I have not considered that suggestion. It has not been brought before me.

39741. The proposal, which has been put us very often, is automatic promotion up to Rs. 500, when there would be selection, those selected going on again automatically through another compartment of the time-scale, generally up to Rs. 1,500?—As regards the Indian Civil Service I am opposed to a time-scale altogether.

39742. You are only speaking of the Provincial Civil Service?—Yes.

39743. Why are you opposed to a time-scale for the Indian Civil Service?—Perhaps my reasons are largely sentimental; but I regard it as tending to deprive members of the Service of the incentive to any special effort.

39744. But would not there be an effective incentive if there was a selection bar?—It might conceivably be arranged, but then it would not be altogether a time-scale, as I understand a time-scale.

39745. It would give an officer a fair chance of an increased rise in remuneration as he goes through his years' service?—There are many arguments in favour of a time-scale.

39746. Your opposition to a time-scale, I understand, in the Indian Civil Service, is mainly sentimental?—I think it will tend to level up the work.

39747. From a practical point of view it is not an ineffective method of getting over the difficulties?—It gets over difficulties which at present exist.

39748. With proper care and selection the danger you mention might be avoided?—If selection is applied I would not object; but, as I understand a time-scale, it more or less precludes selection.

39749. But not the particular form of time-

scale I was indicating to you in my question?—If a time-scale can be organised, and selection, at the same time made for special merit or specially good work, I should not object to it.

39750. With regard to your answer to question (98) you say that the present system of officiating grade promotions where there is no change of duties works smoothly. We have heard very strong complaints in other Provinces against the method of fixing pay. It has been pointed out to us that no officer quite knows what he is going to draw, and that he is very liable to sudden retrenchment of sums which he has received as salary. Has that been your experience at all?—I have known of cases of retrenchment, but I have never been subject to it myself as far as I can remember. I think in any system that will probably occur at times. Mistakes will be made in the office. I know the system involves an enormous amount of clerical labour at the Head Office, and there is a strong objection to it on that ground. I am not at all anxious to see it continued. It works smoothly, and I have not experienced any serious objection to it. I have not come across anything which would make me think it ought to be abolished.

39751. You suggest a new grade of Joint Magistrates at Rs. 1,200, some rising in pay to second and third grade Magistrates, going from Rs. 1,000 to Rs. 1,200?—I say there is a good deal of dissatisfaction as to the pay of the second and third grade Magistrates. I have heard Magistrates in those two classes complain that they are not paid adequately.

39752. Do you not suggest a new grade of Joint Magistrates?—Yes. Question (98) asks: "If any dissatisfaction is felt, does it relate to the pay or grading of the higher or lower posts, or to both." I know that such dissatisfaction does exist. I am not prepared to say that it is altogether justified.

39753. What have you to say with regard to the rise of second and third grade Magistrates?—Personally I am not prepared to say that there is any urgent need for reform.

39754. You would raise the maximum furlough allowance from Rs. 1,000 to Rs. 1,200, with permission to take privilege leave on full pay for six months, and an increased pension for certain officers?—Yes.

39755. You would also free unmarried members from liability to contribute to the family pension fund?—Yes.

39756. Will you tell us in what order of importance you put all these proposals?—I think the question of furlough allowance and pension are the most important. It is really the pension which, I think, mostly attracts men to come into the Indian Civil Service and to offer themselves for examination. Pension and furlough I would put almost on the same level. At present, the furlough allowances are, in my opinion, insufficient.

39757. Would you say that a favourable pension at the end of service, or more favourable terms of pay during service would be a greater



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attraction to a young officer joining the service ?  
—I am inclined to think that the pension has the greater effect.

39758. You think that the young Civilian would be looking to his pension when he joins the Service rather than to his pay ?—I think, on the whole, it has the greater effect upon a man ; at all events, it has with those who guide and influence him, with his parents and others who look to the future more, perhaps, than the young man himself.

39759. In your answer to question (47) of Provincial Civil Service series, you refer to the demand, which we have also heard in Bengal, that the Subordinate Civil Service should be amalgamated with the Provincial Civil Service. Do you suggest that the amalgamation should be made on the present rates of salary ?—I think the present members of the Subordinate Executive Service might be gradually absorbed, that they might be allowed gradually to work up into the Provincial Civil Service. I would not make any immediate change in the rates of salary. They could be gradually absorbed, and the cadre of the Provincial Civil Service increased sufficiently to absorb an equal number in future years. That is to say, recruitment would cease for the Subordinate Executive Service on the lines upon which it is now carried out, and an equal number of posts would be added to the Provincial Civil Service.

39760. By that means you would allow the gradual extension of the Subordinate Services ?  
—Yes.

39761. In answer to question (88) you say : "I deprecate the complete separation of Judicial and Executive functions in this country," and then you go on to say : "I strongly advocate the proper training of Judicial officers. I think the District Magistrates might be relieved of the functions of an Appellate Court from the decisions of Magistrates of the second and third class, and the hearing of such appeals transferred to the Sessions Court or to an Additional Sessions Judge." That is, I suppose, decisions from the first class already go to the Sessions Judge ?—Yes.

39762. And now you would remove the second and third class, as well ?—I would relieve the District Magistrates of those appeals.

39763. Would not that effectually relieve him of a very important part of his magisterial authority ?—I do not think so.

39764. At the same time, you think it would be a very distinct relief to him to enable him to give more time to his multifarious duties ?—Yes. He could devote time to more important duties in many cases.

39765. (Sir Murray Hamrick.) With regard to the rules in this Province so far as Assistant Collectors are concerned, when they come out do you supply tents from Government for them ?  
—We do.

39766. So that an Assistant Collector, when he arrives, has no expense in providing himself with tents ?—That is so.

39767. But I suppose the Assistant Collector when he arrives has to buy himself a horse ?—Yes.

39768. And he has to supply himself with a certain amount of furniture ?—Yes.

39769. And he probably, also, has to live by himself in a house, and pay a certain amount of house-rent ?—Yes, that is so. When I say that the Government supplies him with tents, I mean that the system here is not that which is in force in Madras, where the Government officials have to purchase their own tents. Here the Government supply a certain number of tents to each district, which are at the disposal of the District Officer or the Sub-Divisional Officer, as the case may be. If an Assistant Collector has to go into camp, and a tent is required, the Collector will have a tent sent out for him from his stock.

39770. When the Assistant Collector arrives is he able to get any advance from Government for his immediate expenses ?—I think he can draw an advance when he first arrives in the country.

39771. Perhaps you do not know anything about it, but I think in Madras every Assistant Collector goes off immediately he arrives, and draws Rs. 1,000 ?—I think it is generally done. I think I did so myself.

39772. From what you know of the young Assistant Collector here, do you think the pay he gets on arrival is sufficient to keep him out of debt, assuming, of course, that he arrives unmarried, and lives as you would expect an Assistant Collector to live, probably keeping a horse and trap, and living in a respectable house in the district ?—It is very hard for him on Rs. 400 a month.

39773. Amongst other things, in order to make the Service more popular, you would advise that the Assistant Collector's pay on arrival should be raised in order to meet the expenses ?—I do not think this is very urgent.

39774. In some provinces we have visited we have had evidence from certain members of the Service who have emphasised very much the necessity of increasing the pay of Assistant Collectors in order to make the Service popular ?—I would not do so. I think it is a good training for a young officer when he first comes out to have to be careful.

39775. And if he is careful you think there is no reason why he should get into any difficulty ?—If he is unmarried there is none. But if the higher age-limit is maintained then perhaps the pay of a young Assistant Magistrate when he first joins ought to be raised. If they come out at the younger age, they would generally come out unmarried, and Rs. 400 would be enough.

39776. How many districts have you got in your division ?—Three here in the Patna Division.

39777. Have you in your division any large factories ?—No.

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39778. Are there any signs of any immediate industrial development in your division?—Perhaps not immediate. There are signs of development in the lime industry in one of the districts. It is rapidly extending.

39779. How would you propose to recruit boys for the College you suggest, and which you refer to in answer to question (3)?—That is a matter which I should leave to the consideration of the Special Committee.

39780. You would have some method of selection to the school. It would probably be necessary to do so, as the applications might be far more numerous than the accommodation of the school?—I think some system of selection would be essential.

39781. In India we have several Colleges which are largely manned by Europeans of very high character, where boys go. They have hostels, and as far as possible, these schools train in character. What difference would there be between schools and one of these Colleges you mention?—I know of no College at present in India where training is given on the lines of an English public school, admitting Indians.

39782. Take a large residential College which is manned by five or six European professors, with hostel, and 250 students all living in different rooms under a Warden who is a European. I do not see quite where the difference in your College would come in. They play games in the same way as European games are played; they have debating Societies; they have a system of Prefects, and they have exactly the same Forms as any English school: I do not quite see what the difference would be between the College you suggest and a College of that kind. I know one or two certainly. I suppose they are very common in India. Most of these Colleges are run more or less on lines trying to teach character. It seems to me that in your College you would have exactly the same difficulties which there are in these Colleges. You cannot lay down any religious training, and you would have to rest upon purely moral training, which is the difficulty which faces all Colleges in this country at the present moment. The same objection would meet you in your College here, and I do not see how you would be able to get over it?—The Colleges of which I have had any personal experience are certainly not worked on the lines of an English public school. There may be such in other parts of India.

39783. In your answer to question (10) you say: "In my opinion any such method would tend to lower the Indian Civil Service in the estimation of the public. It is most undesirable that any system should be adopted which would have this effect. The different communities and classes should, as far as practicable, be represented if the confidence of the public is to be retained." How are you going to secure the representation of communities and classes in any College of this kind? Would it be one of the objects of the Committee in selecting boys for

this College to choose different communities to see that one community did not overwhelm the College in numbers?—I think the College authorities might interfere or suggest the recruitment. If they found certain classes were being over-represented they might suggest to the Provincial Committees the desirability of trying to get boys of other communities or classes. But I would rather leave this selection to the last, just as they are being sent to London to pass the open competition. At that time I think a certain amount of selection might be made.

39784. You think it is of considerable importance to keep up this fair representation of the principal classes in the Civil Service?—Most decidedly. Any single class should not be allowed a monopoly.

39785. With regard to question (60) you seem to take some exception to the training of Assistant Collectors, and you suggest that a specially selected officer should be deputed for the training of officers. Do you mean that these young Assistants should be kept in one spot?—No.

39786. Would you have this officer to tour with them?—I would, at his discretion.

39787. Your recruitment is about four or five a year?—Yes, about that.

39788. Would you like to see these boys brought up and put under a good Revenue Officer of some seniority, and would you propose that he should take them, more or less, on tour through the Province?—Not through the Province necessarily; but to see the various phases of administration, headquarters work and mufassal work, and perhaps work in the aboriginal tracts, to some extent, and work in the more civilised districts.

39789. He would look after the reading of these young men?—Yes.

39790. You think that would be better than the present training, and the sending of boys under selected Collectors?—On the whole, I do, because the Collector is overworked, and he has not the time to devote personal attention to these young fellows.

39791. Are the districts to which these Assistant Collectors are sent very often very lonely districts, or have the headquarters of the districts in this Province got a fair amount of society?—They are never sent to lonely stations on first arrival, but to the head-quarters of a district. At every head-quarters there are a certain number of officers.

39792. The only reason you object to the present system is that the Collector, as a rule, has not time to look after them properly?—There is also the reason that one Collector has not the same experience or ability to train young fellows as another Collector has. I attach the greatest importance to the first training after arrival. I think it all depends upon how a young fellow is brought up at first. If he gets under the influence of an un-

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sympathetic Magistrate it has a bad effect, more or less, upon the whole of his service.

39793. Of course your Province has not been constituted long enough to have any experience as regards the necessity for transfers, but do you think in the future it will be possible to keep an officer in the district to which he first goes? You have here a large extent of Ooria-speaking country. Do you think it would be possible in future to arrange for the young Assistant who joins in an Ooria-speaking country to stay there?—I do not think it is practicable or necessary.

39794. You practically have here two languages, Ooria and Hindi?—These are the two main languages here.

39795. Putting aside the smaller dialects, a man who knows Ooria and Hindi can practically get on in every district easily and well, can he not?—Ooria takes a very second place. Hindi is by far the most important language in this Province. Ooria is only spoken in four districts.

39796. And Hindi carries you throughout the rest of the Province except Chota Nagpur and the Sonthals?—Throughout, practically. Hindi will carry you all over. There are parts in Chota Nagpur where the unsophisticated rustic does not know Hindi; he only knows his own dialect. But even in Chota Nagpur districts Hindi will carry you about.

39797. In answer to question (88) you say: "I would in so far as the District Magistrate, who is, and who must remain, the Head of the Police, is concerned, make the provisions of section 191, Criminal Procedure Code, applicable to Police reports." What is section 191?—Section 191 is as to the taking cognisance of a case on a Police report.

39798. In answer to question (92) you say that a grade of Joint Magistrates on Rs. 1,200 would meet the want of the Province. Do you not think that the difference in the position and in the demands which are made upon a District Officer from those made upon a Sub-Divisional Officer make it advisable to have a very considerable break in the difference in the pay between the man who is acting as District Officer and the man who holds the Sub-Division?—That is so.

39799. You speak of the break between Rs. 900 and Rs. 1,500. I have been looking through the list in almost every Province, and there is that difference between the District Officer and the Sub-Divisional Officer. In some Provinces it is a difference between Rs. 800 and Rs. 1,200, and in others it is a difference between Rs. 1,500 and Rs. 900. I presume it was made for that purpose. Do you not think there is considerable value in that?—That argument has considerable force. I made the proposal more especially with a view to removing a hardship in the case of certain individual officers, who, in ordinary circumstances would be officiating as Collectors, but owing to, perhaps, over-recruitment or fortuitous circumstances, they

are not acting. Take the case of a senior man of eleven or twelve years' standing who ought really to be acting, and under ordinary conditions would be acting, as a District Officer. He is not, and he is simply drawing a Joint Magistrate's pay. I have known individual instances of this.

39800. With regard to your answer to question (114), we have had strong evidence in the Central Provinces from the Service there that the Civilians of that Province would like to see a month's leave taken compulsorily every year. Do you agree with another witness here who stated that that would be most unpopular in this Province?—I do not know. It has never been suggested to me. I certainly do not approve of the idea myself.

39801. You think, with the existing holidays a man gets from the Dussahra, and other holidays, that there is no necessity to enforce a month's holiday every year on every Executive officer throughout the Province?—If I may say so, I do not approve of the suggestion of enforcing a month's holiday. To do so would be to treat members of the Service as school-boys. I think the members of the Service are the best judges themselves of what leave they want.

39802. As regards the Provincial Civil Service, you speak of a very widespread feeling of dissatisfaction with regard to the present system of nomination. Will you kindly let us know what is the actual dissatisfaction, and what gives rise to it? Is it merely the fact that the man has to go about touting for a favour from the officers in order to get a nomination?—I think there are many reasons underlying it. The fact remains that there is this dissatisfaction. It is widespread. I can assure you of that. In some cases it is due to imaginary causes. In others, there are real grievances. There are reasonable objections to the present system. At all events, this dissatisfaction does exist, and I think every member of the Provincial Civil Service will bear me out in that.

39803. The Registrarship of the Secretariat is now held by a ministerial officer. You suggest that it should be thrown open to a Judicial officer?—When I was in the Secretariat it was always held by a non-Provincial Civil Service man. The post might even be held by an outsider. I only know of one instance in which one of the Secretariat Head Assistantships was held by a member of the Provincial Civil Service.

39804. With regard to Sub-Deputy Collectors, you speak of outdoor duties for which Sub-Deputy Collectors are intended. I understood from some evidence we received here that practically the whole of the Sub-Deputy Collector class was doing Deputy Collector's work?—That is not altogether correct.

39805. Would it be possible to divide off a certain number of Sub-Deputy Collectors to make a smaller Service, if necessary, which would be confined to doing these outdoor duties, which you mention in your last answer: that Service being either called Sub-Deputy

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Collectors or by some other name, being locally recruited, and getting local promotion in the same way as the outdoor men in other Provinces are allocated, and then separating off the rest of the Sub-Deputy Collectors who really do Deputy Collectors' work, and throwing them into the Deputy Collectors' grades?—The latter part of your remark is one of my proposals. The present members of the Subordinate Executive Service should be absorbed into the Provincial Service, that is into the grades of the Deputy Collectors.

39806. But are there enough outdoor duties, of the nature of Mamlatdars for instance, in Bombay, and Tahsildars in the Central Provinces, in each district to allow a separate Service for the men to do those duties?—I would prefer the system which you have suggested.

39807. You would make more Sub-Deputy Collectors?—There are certain outdoor duties which could be performed by officers without degrees, without the educational attainments which are now required as essential for appointment to the Subordinate Executive Service, and which might very often be better performed by men of active habits and physically stronger, and who can knock about and ride. There are certain duties in every district which have to be performed, and which might be performed by a class of officers who might conceivably, and perhaps more advantageously, be recruited locally as you have suggested.

39808. And confined to each Commissioner's division as far as promotion goes?—Yes.

39809. Can you tell us how this grading of Deputy Magistrates was brought about? You have got a grading ending with the seventh class, containing 59 officers. How were those grades made? Were they simply handed over from Bengal in a haphazard fashion?—It is a difficult question to answer. It has come down from many years. It is more or less haphazard now: it has reached the stage of being haphazard.

39810. You would agree that this grading is hopelessly wrong?—It is my opinion that it is seriously defective.

39811. And produces blocks which it is very necessary to avoid in the future?—Yes.

39812. And therefore you would suggest a regrading of the whole Service?—Unless a time-scale is introduced.

39813. You do not know whether the same thing applies to Munsifs and Subordinate Judges? I am told that it does to a large extent.

39814. (Mr. Chaurhal.) With regard to your scheme for a special College, you propose that as a means to satisfy the larger aspirations of Indians for employment in the Service, do you not?—I should like, as far as possible, to meet the legitimate aspirations of Indians.

39815. You propose it for that purpose. It ought to satisfy them?—I do not say it ought to satisfy them. That is the object with which I made the proposal.

39816. But this cry for satisfying them by way of simultaneous examination proceeds from that class whom you have described as having quasi-democratic ideas: the cry for simultaneous examinations proceeds from men of those opinions, does it not?—Sometimes it does.

39817. Do you think this special College would satisfy those who have raised the demand for simultaneous examination?—That I cannot say, nor have I considered it.

39818. In answer to question (19) dealing with the age problem, you say: "The general view is that the younger age limit is the more advantageous." Whose general view is that?—Those whom I have consulted on the subject.

39819. Indians or Europeans?—Both Indians and Europeans.

39820. You are aware, I suppose, that after the last Public Services Commission, when the age was increased, that recommendation was largely based upon the evidence which was laid before the Commission which went to show that the younger age was unsuitable?—I cannot say what the evidence given before that Commission was, but I know what the conclusions of the Commission were. I think upon this particular point they were somewhat erroneous. I know that Mr. Wren, of whom you may have heard, and who had a well-known establishment in London for teaching young men to pass examinations, was of opinion that the younger age was distinctly in favour of Indians, and I think he had considerable reason for knowing.

39821. I can quite understand that the younger age would be necessarily profitable to institutions of that kind?—That is possible; and I think he could claim to be an authority upon this subject.

39822. I do not myself know, but I have heard it said that if you reduce the age it is likely to encourage crammers' institutions more largely?—That is another question.

39823. I ask you, because, so far as I have been able to gauge Indian feeling on the point, and from evidence brought before us in different Provinces, they all seem to think that if the age is reduced, it will be practically impossible for Indians to pass?—I noticed that, and I was astonished to see it.

39824. Does it not resolve itself into this: you say that because you think that a larger number of Indians would be able to go and study at home if the age were reduced?—I have not said that; at least, I am not aware of having made such a statement.

39825. There is your recommendation for going home and studying at that special College?—My recommendation is that a College should be established out here for special study with a view to passing the Indian Civil Service.

39826. I see from your answers that you are aware the earliest age for graduation here is twenty?—About that.

39827. Sixteen is the age for matriculation, and the College course for the B. A. is four years,

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so that the earliest age at which a man can get through his first degree here is twenty?—Yes.

39828. We have had evidence from educational experts in the country who say that that degree is not enough, that it wants two years' further study at a University in order to enable Indian boys to come up to the standard of the University curriculum?—I am proposing two things, one of which is that the age limit should be reduced to seventeen or nineteen, as it was once before. My other proposal is that a special institution should be established in this country, not only for the purpose of training young fellows to pass into the Indian Civil Service, but also to act as a model institution. I think the Government ought to establish a model institution out here.

39829. That is for the purpose of improving the tone of the general education in the country?—It ought to have that effect, if it is established on proper lines.

39830. I am now confining myself purely to the aspect of it which enables it to catch boys for the Civil Service course?—In referring to the question of taking a degree at the age of twenty, are you not assuming that the University course is to be passed before going up for the open competitive examination?—That is not my proposal. I would take young fellows in before they enter upon the University course.

39831. Do you think that if you propose the examination at the age of seventeen to nineteen, unless the curriculum is considerably reduced Indian boys will be able to appear?—I think the question of the curriculum will have to be reconsidered, no doubt.

39832. In answer to question (66) you say: "I think that officers who elect for the Judicial Branch of the Service should be required to perform, for fixed periods, the ordinary duties of a Munsif and of a Subordinate Judge." I should like to have your opinion upon a phase of this same question, which was suggested elsewhere, that the young Civilian after he had studied his language should be made to sit on the Bench along with an experienced Subordinate Judge of twenty years' standing, for, say, six months, so that he might have the advantage of seeing witnesses appear before him while he is sitting along with an Indian Judge, and that it will be a considerable help to improve his knowledge of the vernacular in which the witnesses are being examined. Do you accept the variation that instead of sitting by himself as Munsif he should sit for six months along with a Subordinate Judge?—That would be rather a waste of time. Two officers would be doing the work of one, would they not?

39833. That is what Benches always do?—Personally I am not much in favour of Benches. I see no objection to him going into a Subordinate Judge's Court for the time being and watching the procedure; but to make him sit alongside of a Subordinate Judge for six months on end would be waste of time. He is more

likely to pick up the work quicker if he has to do it himself.

39834. Would it not enable him to do it better when he sits singly? It is only from that point of view that it was suggested?—That I am not prepared to say.

39835. In your answer to question (104) with regard to the rate of two-thirds of the pay, we have had considerable evidence from persons who are acting in these posts, and also from outsiders, who think that these gentlemen who perform the same duties as the Indian Civil Servants should receive the same pay as Indian Civil Servants, and that the two-thirds pay is not proper, that their style of living and their ways of living have considerably changed, and that there is not now the same cogency about the arguments which were originally deduced as to the lower limits of salary. In cases where you find members of the Provincial Civil Service fit enough to be entrusted with the responsibilities of headships, two-thirds pay would be insufficient salary, and would only conduce to their being marked as Subordinate officers, and as being in a sort of lower status?—I do not think any such stigma should attach.

39836. It is said that it is considered to attach because of this?—They may say so, but I do not agree in this. I agree with the principle recommended by the Public Service Commission of 1886 that the pay of the members of the Provincial Service should be fixed irrespective of the pay of the Civil Service.

39837. But they are not men of the Provincial Service?—They are holding listed posts.

39838. Yes. They are members of the Provincial Service who are promoted to certain definite posts?—They were members of the Provincial Service, and their style of living cannot alter at a moment's notice.

39839. It has to?—I do not agree that it has to. I speak with considerable experience. I have seen the way these gentlemen live both as members of the Provincial Service and as holding listed posts.

39840. You think there is nothing in what they say that if they hold these listed posts they are expected to observe a higher status in life?—They do get an increase of pay, on attaining a listed post, which enables them to live in a better fashion. I should be very pleased to see everybody get increased pay!

39841. Why should they not get the same pay as persons performing the same duties? Why should not those who perform identically the same work get the same salary?—This question has been gone into on many occasions. I am not prepared to go into all the arguments, *pros* and *cons*; but my conclusion is that it is not necessary they should draw the same pay; and I do not think any stigma should attach to such officers.

39842. In so far as you have observed, you do not find that these gentlemen who latterly filled these listed posts are anxious to send their children home to England. Though their style of

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living may not come up to your standard, as a matter of fact they do have to spend much more. For instance, I can tell you that I spend much more now than when I was at the Bar, and I should be very glad to spend only as much as I did then. But, naturally, that is the evidence they do put forward for consideration?—It is natural that they should want an increase.

39843. But the mere fact that the Commission of 1886-87 came to that conclusion is not the final word. Since 1886-87 circumstances have changed, they say, which make it more desirable that the two-thirds salary should be increased?—Personally I do not think it is necessary. They are living in their own country, and they can live cheaper than members of the Indian Civil Service who are not accustomed to the same style of living. I may cite the case of Englishmen who are sent on furlough and on deputation to Europe. They only draw two-thirds of the pay that they draw out here. I think, on analogy, it is reasonable that members of the Provincial Civil Service serving in their own country ought to draw two-thirds of the pay that the European members of the Civil Service draw.

39844. If it is a saving to the revenue of the country of one-third, then, naturally, if efficient work in those posts can be done by Indian agency, they should be increased as largely as possible. Take the case, for instance, of the Judicial heads of Districts, District and Sessions Judges. If their work is as efficiently done by fit and competent persons in the Provincial Civil Service, and if their employment costs less to the revenue of the country, then that agency should be much more largely employed. There would be no occasion for employing an agency which costs more to the country?—The way I look at it is this. If you can get these duties adequately performed for two-thirds of the pay you give to Europeans I consider that there is no necessity to raise the pay.

39845. I am not now speaking of raising the pay. If it is an advantage to the revenue of the country that the work should be done by a larger number of people getting these two-thirds . . .? Provided it is equally efficient.

39846. I am assuming that?—I say, provided. It is a very big assumption.

39847. If the big assumption is assumed, then I suppose there would be no objection to do that?—If the work can be done as efficiently and as well by men on lower pay, there are certainly very strong grounds for employing men on the lower pay.

39848. I will put a concrete case to you. I do not mean to say that the whole Service in any one branch is going to be recruited, but, in my province there are only two Judgeships given out of twenty-two. Supposing there are seven or eight, and if we are assured that you can find eight competent men out of a total cadre of twenty-two Judicial heads of districts who will be able to perform the duties of those posts efficiently, I think the suggestion ought to be accepted that

if the work is done efficiently by those persons, instead of having only two posts left open, there should be a larger number left open, because the work is done as well, and the charge is less?—The whole question turns upon the word "efficiency,"—what is the standard of efficiency?

39849. With regard to your answers (120) and (122) you consider it to be anomalous that a barrister Judge should get Rs. 1,200 pension after eleven and a half years' service: is not that so?—Perhaps you will read the rest of what I have said. The anomaly consists in the fact that a member of the Civil Service after 25 years' service, and after earning, and paying so much towards, his own pension, has to serve another 11½ years in the High Court to get the pension which a barrister or vakil Judge can get after 11½ years' service, and without that previous Government service.

39850. My question was only intended as a preliminary question. As regards what you are now saying, it is the case of no pension in one case, and at least £1,000 in the other. If a barrister Judge does not serve for 11½ years he gets nothing, but the Civilian Judge, even if he serves for one or two or three or five years, gets at least £1,000. There is something in that, I suppose?—No, I do not think so; because the barrister has been serving at the Bar, and in many cases has been making a small fortune at the Bar before he joins the Bench.

39851. And also giving up a fortune when he accepts the Bench?—No doubt he has got his eyes open.

39852. My real question is this, that you actually propose that he should draw a pension after five years' service?—I have made no such proposal.

39853. I answer to question (121) you say: "Lieutenant Governors would get £1,500 and Judges of the High Court £1,250 after five years as such?"—That is an increase of pension after five years in the High Court. That is another question altogether.

39854. You say that it is only the Civilian members, the Civil Judges, who would get this enhanced pension, and not the others? Is that your proposal?—It is, certainly.

39855. That the pension should be raised to £1,250?—Only in the case of Civilian Judges.

39856. And in the case of barrister Judges?—Let them get the pension as it is.

39857. Would you give any pension to a barrister Member of the Executive Council?—That I am not prepared to say. I have not considered that question. I do not think it arises from any of these questions; and I am not prepared to give an answer off-hand.

39858. With regard to your proposal about changing the rules for employment in the Judicial branch, I should like to be clear about it, because it is really a very important point. It is important for this reason. In some provinces the age limit at present is 30, and in other provinces we have seen it raised above 30 to 35 in one province. How would your proposal to

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reduce the age work properly if in certain places the supply is much more than the demand? Take the B.L. who passes his LL.B. degree at the age of 22. So many pass the LL.B., and there are only five or ten vacancies in the year; then, in order to get in your recruits for the Judicial Service, you have to wait such a long time, and unless you are going to chuck out all those who passed in the previous year, and take only fresh recruits of recent years, is it not likely that it becomes unreasonable?—Would you not make the selection every year?

39859. Then that means that those who have taken their LL.B. degree in the previous year would have no chance?—The same thing applies to all the Services.

39860. (Mr. Fisher.) With regard to your scheme about the college in India, would you, with your Indian experience, say that it was comparatively easy to get parents belonging to different classes and communities to send their boys to the same school?—Yes.

39861. You do not think there would be any difficulty upon that score?—I do not think so.

39862. I suppose that the curriculum of your school would be mainly adjusted to the conditions of the Indian Civil Service examination?—Largely. At all events, that is my idea.

39863. Whereas, I suppose, the curricula of other schools in India would be mainly adjusted to the B.A. Examination at the Indian University?—Yes, as I understand.

39864. You do not think there would be any inconvenience in that divergence of curriculum. The sort of thing I had in my mind was that perhaps the boys who had been trained in your proposed Institution, and having failed for the Indian Civil Service, might find that they had not taken the right line for the B.A. degree?—I have suggested that boys sent home and who failed, provided they did not absolutely loaf at home, should be put into the Provincial Civil Service. I have made that suggestion.

39865. You think that would meet the difficulty?—Yes.

39866. With regard to the competitive examination, I see you attach great importance to the *vivâ voce* examination?—I do.

39867. Do you think it is really practicable to have an efficient *vivâ voce* examination in each of the 38 subjects which are now prescribed for the Indian Civil Service?—It is certainly a large number, but I think the number of subjects might be reduced. I was not aware that there were 38 subjects.

39868. Some subjects admit of *vivâ voce* examination more easily than others. For instance, it would be difficult to give a good *vivâ voce* examination in higher mathematics?—That I would leave. I am not a higher mathematician myself. But I certainly think that a *vivâ voce* examination is most essential.

39869. Of course there was a *vivâ voce* examination when you passed?—Yes, there was; I think in every subject—as far as I can recollect.

39870. Then the examination was at an earlier age?—It was; and I propose that it should go back to that age.

39871. I take it that it would be easier to restore *vivâ voce* in a school-boy examination than it would be in the present very elaborate University examination? Would you not say that that would be the case?—Yes, it would be easier.

39872. That, therefore, would be an additional argument, from your point of view, for lowering the age?—Yes; perhaps so.

39873. With regard to the period of probation, do you advocate a three years' course at the University?—I do.

39874. In your period the candidates are to take a course of Indian studies at the University?—I should like to see it if it were possible. That is not a matter which I can speak upon with any authority. If possible, I should like to see a special course which not only members who have passed the open competition would go in for, but also other young men who propose to come out to service in the East in any capacity. I think, for instance, that the larger firms of merchants in the chief ports of India and in the East would be very glad to get men who had been through a University course with special reference to Oriental conditions.

39875. I take it from your answers that the main part of the course should be linguistic?—It would be an important part. I would suggest that there should be a classical language, and one vernacular.

39876. I take it that the classical language would vary to some extent with the province to which the Civilian had been appointed?—It certainly should.

39877. He would take Persian if he were appointed to the Punjab?—Yes; and Sanskrit if he were appointed to Bengal.

39878. I notice you are very strongly in favour of the restoration of the system of reporting law cases in London?—I think it was a very good training. I do not know if anything else can be arranged as a substitute.

39879. You would also wish your student at the University to undergo a general academic law course. Would you like him to learn the elements of Jurisprudence?—Yes.

39880. And the English Common Law, such a book as Holme's Common Law?—Elementary treatises on Law.

39881. What I had in my mind was a sort of combination between the school of Oriental Languages which exists at Oxford and a school of Jurisprudence, a combination of that kind?—Yes, if it could be worked.

39882. So that one could avail oneself of that material if it existed in the University?—Yes.

39883. You lay great stress upon your probationer being sent to Oxford or Cambridge. Would you tell me why you think those two Universities should be selected?—We could not expect many Universities to provide a special



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course; but if we limit it to two, say Oxford and Cambridge, we are much more likely to have a sufficient number of young men going in for this course to justify the authorities in making special arrangements. It would be hardly fair to ask several of the Universities to do so.

39884. Do you lay stress upon the necessity for having a considerable body of students in one place pursuing the Indian curriculum?—I do.

39885. Even if several Universities were to come forward and offer the requisite instruction, you think it would be a disadvantage that your corps of Indian students should be widely dispersed?—I do. I think they should be in close touch with University work. If there are only a few at one University or College they are much more likely to form a class apart.

39886. (*Mr. Madge.*) In your answer to question (2) you say that you are in favour of making the conditions and prospects of service more attractive to ensure the recruitment of a high class of candidates. This question contains two other distinct questions. The first is the test of character and the next is the providing of sufficient attraction. Have you thought of any plan of attracting a class of young Indians who have not been hitherto attracted?—No, I have not.

39887. It is worth while considering it. You often come across in independent careers men of high character and great talents of whom you naturally express a wish that they had been captured for the public service, not for their own good but for the good of the Government and the country, and you have not thought of any method of attracting them?—I have not thought specially of this aspect of the case. The question has not been put to me.

39888. And you would not care to offer an opinion on the spot on such a big question?—No; I would rather not.

39889. Turning over to your suggestion about a special college, would you be in favour of the model of the Rajkumar College, or of that special class?—I cannot say. I am not acquainted with the work of the Rajkumar College. Which one is that?

39890. In Kathiawar and elsewhere there are Rajkumar Colleges?—I am not acquainted with their actual working.

39891. I am no more an expert than you are, and because it was suggested to us I ask you. If you have such a college established in India would it be possible to secure a succession of efficient teachers?—Unless it is possible, it is no use establishing it.

39892. But you would not give an opinion whether it is possible or probable?—If the terms and conditions of service are made sufficiently attractive, I think it is quite possible.

39893. Conditions here are quite different from those prevailing at Home where you have an abundance of material?—I would recruit from England the very best. I would offer such terms as would attract the very best men from England.

39894. You do not approve of the simultaneous examinations in this country. Do you think that, if they were introduced, they would have an injurious effect upon education in general leading to cramming and other things?—Yes. I am inclined to agree with those who take that view.

39895. Then there is also this to be considered, not only the possible but the probable result that, among the Indian students who pass here, there might be those who obtain a larger number of marks than English students in the examination at Home; and if any proportion were settled as to the number of Indian students here to go in in any particular year, or for the matter of that, English students, this might involve that men who had passed lower than others would be selected in preference to those who passed higher?—The men who got a larger aggregate?

39896. A large aggregate of marks?—Yes. That might happen at times.

39897. Do you not think that it is exceedingly probable?—Yes.

39898. Either way—whether it be European or Indian students?—It is certainly probable. There would be a discrepancy in such cases—either one way or the other. I am most strongly opposed to simultaneous examination. I may say I have not advocated simultaneous examinations.

39899. It is on that ground why I am putting to you one of the most serious objections against it?—That certainly would happen and it is most likely to happen.

39900. One witness spoke of it as a farce. Is it not a tragedy? Whichever student is victimised he would have great grounds of complaint?—They would certainly be discontented.

39901. There would be serious discontent and dissatisfaction at the whole system, that could produce such a result?—There would be dissatisfaction.

39902. In one of your answers you suggest a system of selection of communities after the examination. Is it not possible that a somewhat similar result might turn up there?—Might I ask you to refer me to my answer?

39903. It is an answer that you gave today?—I said that the different communities should be represented as far as possible.

39904. That is in your written answer. But in reply to a question put to you by the Chairman or another Commissioner, you thought that a selection might be introduced into the matter?—At what stage is it to be? I do not recollect what I said.

39905. It will have to be after the examination; it could not be before?—You mean the examination preparatory to sending young fellows to England.

39906. I am sorry I have not made a larger note of what you said?—I think regard should be had to the representation of different communities.



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39907. I want you to look at it in this way. You are considering the interests of individuals rather than the efficiency of public service if you would descend to matters of community in large public questions of that sort?—I regard it as important in the interests of the public service that different communities should be represented.

39908. We have had that view and we will no doubt attend to it. Do you think, or do you not think, that the country as a whole, including the masses, are satisfied with the present system of administration?—I think generally the masses are satisfied with the present system of administration.

39909. But not a limited class?—There are certain limited classes who are not satisfied.

39910. Do you think, or do you not think, the Government are bound to consider the interests of the great majority in this matter?—Certainly it is essential that they should do so.

39911. With reference to the objections to the simultaneous examinations, you refer to a leakage of papers, because these leakages actually occur. Do you think that any certain guarantee could be given to the public against such leakage?—I do not see how any such guarantee could be given. Probably you are as cognisant as I am myself of the numerous cases of leakage of this kind.

39912. I want something on record as regards your opinion on this matter, as you are an experienced official?—There are numerous cases of leakage of this kind.

39913. You do not recommend any separate method of recruitment for the judicial branch of the Indian Civil Service. In answer to question (88) you recommend that no differentiation should take place during the first five years. I presume your answer to question (13), is based on the fact that you attach some importance to the general knowledge and the experience of the country gained by officers in the exercise of both their Executive and Magisterial functions?—I think I have said that specifically. I have referred to that training as equally essential to all officers.

39914. You think it is valuable?—It is equally essential.

39915. You do not think that the separation ought to be about five years? It should be rather early: five years is only an estimate. If it were six years, I should not object.

39916. Did you ever see a circular issued by the Government of India some four years ago in which a period of nine years was not fixed but, suggested?—I am not aware of such a circular. I would rather fix it before the first furlough. It is better that the bifurcation should take place before the first furlough.

39917. At any rate somewhat beyond five years?—I am not very anxious to confine it to five years. I think, however, five years would be sufficient.

39918. I do not know what the opinion of the other Commissioners is, but, in my own mind, I

want to make an average from what different officers of experience may say on the subject?—It may be five or six years. I do not want to lay down any rigid limit.

39919. With reference to the attractiveness of the service you quote some very beautiful remarks on the attractions of the Indian and English careers. But you have got to take into account the vaulting ambition of young men to over-shoot their mark, in view to try and translate these abstractions into the practical conditions of life in this country. Do you really think that the adventure, supposing the young student had his own way, would be against his stopping at Home?—Adventure?

39920. The adventure and the whole prospects, apart from the object of life itself, of the career—does it not attract him?—My view is that the attractions were much stronger before, as I have said. I have fully stated my opinion on this subject.

39921. As regards the attractiveness, you do not think that *pro rata* increase of pay, the abolition of contributions for pensions and other facilities, would remove all the existing difficulties?—I do not think they would. There are many grounds for the falling off.

39922. You attach great importance to the *vis à voce* examination about which you have been already questioned?—Yes, I do.

39923. Do you think, or do you not think, that an examiner gains a great deal from a personal examination, that cannot be obtained otherwise?—If he is a good examiner, a practised examiner, he will elicit a great deal from oral examination which he could not elicit from reading the written answers.

39924. In some respects resembling the advantages which a Court of first instance gets from the demeanour of a witness?—Certainly, the case is very analogous.

39925. Do you not think that it is absolutely necessary that in such an examination there should be the same examiner and there should be the same standard of examination?—Certainly the standard should be the same.

39926. In answer to question (24) you refer to a fair proportion of Indians in the Indian Civil Service. You are in favour of gradually increasing the number of Indians in the Service with the necessary qualifications. We have had it frequently brought out before us here that the present proportion in some way or other—that has never been fully explained—involved a breach of promise made in Proclamations, in Statutes and so on. Do you or do you not think that the Government have been deciding on this matter mainly, if not exclusively, by the competence of the man whose claims it has to consider?—I do not admit that any breach has been made. I do not admit that there has been any breach of promise. Will you refer me to the particular statute you have in view?

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39927. It is stated that a race bar shall not stand in the way of a man rising to a particular appointment?—That is the 1833 Statute.

39928. Subsequent declarations are also relied on?—The Statute of 1833 says that a Native, by reason only of his religion, place of birth, descent, colour or any other reason shall not be disqualified from holding, etc. It is “only” on these grounds. That is all it says.

39929. What I meant to say was that proclamations have been quoted as involving a breach, in which I do not agree. I want you to say whether you think or do not think that the Government is exclusively guided by the efficiency of its officers?—Yes.

39930. (*Mr. Abdur Rahim.*) I should like to understand something more fully about your scheme for a special College. I suppose you would like to attract to that College the most brilliant of our young men?—Not necessarily the most brilliant, but those who are likely to serve their country best.

39931. Who are most likely to be successful in the Indian Civil Service: that is what I meant by “brilliant”?—Those who are likely to do credit to their country, if they are enlisted into the Indian Civil Service; not necessarily brilliant. There are other qualifications required besides being brilliant.

39932. I meant those who would have a fair chance of succeeding in the examination?—Yes.

39933. You would like to recruit your boys from all over India. Would you have one College or more than one?—I have made a suggestion for only one. But whether it should be one or more or how it is to be conducted I have not considered. I have merely thrown it out as a rough suggestion.

39934. I want to understand it more fully, because it has some points that attract me. I suppose it would be on the lines of the English Public School?—I would like to see that.

39935. Up to what age will the boys be there?—Up to the ordinary school-leaving age.

39936. 17 or what is it in England; I do not know?—17, 18 or 19. That is from 17 to 19.

39937. Would your College enable boys to go up for the examination straight in London?—Yes.

39938. Then you will have a University course?—Yes, certainly; I would make them undergo that.

39939. I understand that you will have the staff, the curriculum and the discipline, so fashioned as to give the same advantages as an English Public School does, as far as possible?—Yes.

39940. And you want to provide for the representation of communities by taking boys belonging to different communities and provinces. That is how you want to provide for the representation of the different communities, so far as Indians are concerned in the Indian Civil Service?—I say that some provision should be made for having the different communities represented. As to the details of the subject and how it is to

be worked out, I would leave them for thorough consideration by a competent committee. I am not prepared to give any details of the scheme.

39941. You have thought about the constitution of the Committee?—To this extent, I think the Educational Department of Government should be represented as well as the executive side of the Government on that Committee. Europeans and Indians should be there; both communities ought to be represented.

39942. I suppose it will be a fairly expensive College?—It would be, distinctly.

39943. Would you make any provision for exceptionally brilliant boys belonging to poorer parents, by any system of awarding scholarships?—You mean that we should admit them as free students or at reduced rates of fee?

39944. What I mean is scholarships?—I would have no objection to a system of scholarships, just as there are scholarships at Eton and Rugby.

39945. One of the strongest arguments for the simultaneous examinations is that by holding the present examination in London, you exclude the best talent in the country, if boys happen to be poor?—One of my suggestions is that their passage home should be paid. If you will kindly read my answer, you will see that I have suggested that the passage home should be paid; not only that, but an extra allowance should be given to cover incidental expenses.

39946. I do not mean that. It was in reference to my suggestion of scholarships being provided?—I have got no objection to scholarships being established just as you have them at English schools, at Eton and Winchester, where there are scholarships. Those are matters of detail which could be worked out by persons competent to do so.

39947. With regard to listed posts, a suggestion has been made to us by several witnesses that we might usefully appoint the listed posts men at an earlier age than that at which they are appointed at present, and it has also been suggested that they might be induced to go to England for a course of studies for a year or two. Take officers after 7 or 8 years' service; if they are found to be exceptionally able men, select them for listed posts, and send them to England for a year or two for special study. In consideration of such a proposal, would it still be necessary to give them only two-thirds of the pay? Would it not be advisable to give them the same pay as the pay given to other officers holding the said posts?—In consideration of that proposal?

39948. Supposing that were to be adopted?—A proposal of such a nature would not influence me in recommending the same pay to these officers.

39949. They would be receiving some portion of their education in England and that might change their style of living?—A two years' course you suggested, I think.

39950. Yes?—I do not think that would be of much effect.

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39951. Do you not think it would change their style of living?—No, except perhaps in dress.

39952. That is all?—They would probably come out with the latest style of coat and colour of tie.

39953. I have information that, so far as the subordinate service is concerned, the division of the cadre that has been made is not quite satisfactory in this province. That is to say, the men who are at the top grade are much younger than those who have been allotted to Bengal?—That is not within my province.

39954. You have considered that?—No. I have heard complaints to that effect. It is for the Chief Secretary to deal with questions of cadre. I believe that the complaint is substantially correct.

39955. What is the Barbour scheme that you have referred to? Can you give me the date of it?—I cannot give you the date. I think it was some time in the nineties, when Sir David Barbour was in the Service.

39956. I should like to know if recently there has been any particular investigation as to both the branches of the provincial service and what can be done to relieve the congestion; has there been any recent investigation into that question by the High Court or by the Government of Bengal?—No special investigation, that I can remember.

39957. No definite suggestions have been made?—It has been frequently suggested that the cadre should be increased.

39958. Any definite suggestion as to what the number should be?—Such suggestions were made, I think, ten years ago by the Bengal Government, when certain concessions were made and certain increases were allowed.

39959. Does any system prevail for appointing in the judicial branch of the provincial service men temporarily as Subordinate Judges from the Munsifs' rank or as Munsifs in order to relieve the congestion of work?—I do not catch the question.

39960. Are any temporary appointments made in the judicial branch of the Provincial service to give relief to officers?—I am not aware of such temporary appointments. Temporary assistance is given to different districts when the High Court finds the file congested in any particular district. Then it drafts another officer from another district to assist the officer in the particular district in clearing the congestion.

39961. You think that Persian might usefully be added to the subjects for the competitive examination?—Yes.

39962. Do you suggest it in lieu of Arabic or in addition to that?—I suggest that Arabic and Persian should both be subjects.

39963. Would you exclude a man who takes up Arabic from taking up Persian?—I think I would, on the whole.

39964. It has been suggested against Persian that Persian with its Grammar is a very easy

language, especially for a Muhammadan, to pass and on that ground it ought not to find a place in the open competition. Do you agree with that?—I do not.

39965. Will you kindly tell me what influenced you most in suggesting Persian? I think you have said that it would be very useful to the men in Upper India?—Yes, in Northern India, because Urdu is based more or less on it, Urdu is a mixture of Persian and Hindi.

39966. I take it that, in studying Indian History and subjects of that nature, Persian would be specially useful?—If one were to read Indian histories. Most Indian histories are written in Persian, those relating to the Muhammadan period at all events. A knowledge of Persian is in itself essential and useful in certain parts of India.

39967. As regards a portion of the Judges of the High Court, you consider that a Civilian judge should get his full pension of £1,200 after five years. Is that it?—After five years' service on the High Court, in addition to his previous service, I recommend £1,250.

39968. I should like to know whether you have considered this aspect of the case—would not this additional pension of £1,200 or £1,250 be an inducement for a judge to serve out his full term?—I think it would. It would distinctly be an inducement.

39969. I suppose after five years there would not be any inducement for him to stay on any longer?—Except the ordinary inducement which other officers have to stay on. There are many who stay on after they have earned the so-called £1,000 pension.

39970. Is it not desirable, if possible, that he should be induced to serve out his full term? Why should the country lose his experience?—I have said so in answer to one of these questions, that it is most desirable to get these men to stay in the country and that the country should not lose the experience of officers who are still in good health.

39971. Still if he earns £1,200 after five years, there would be no further inducement for him to stay on for 11½ years?—There would be the same inducement as there is for an officer who earns a pension of £1,000 after 25 years and stays on after the 25 years.

39972. There would be no additional inducement?—No additional inducement.

39973. I suppose you are aware that the pension of High Court Judges is based upon special considerations of service in the High Court?—I am not aware of any special considerations, influencing Government to fix these special pensions.

39974. I wish to ask you one question regarding the separation of Judicial and executive functions. You suggested that appeals from second and third class magistrates may be heard by Sessions Judges?—Or by Additional Sessions Judges.

39975. As distinguished from the District Magistrates?—Yes.

39976. The result will be, I take it, that the District Magistrate will not hear any appeals from

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Sub-Magistrates?—No doubt that would be the result.

39977. Then what would be the reason for keeping the supervision of Sub-Magistrates in the hands of the District Magistrate, as he would not be familiar with their work?—Oh yes, he will be.

39978. But the District Magistrate does not hear appeals?—That is not the only means of acquainting himself with the Subordinate Magistrates' work. There are many methods by which the District Officer keeps himself acquainted with subordinate Magistrates' work.

39979. Will you kindly tell me how?—The inspection of their registers and records.

39980. Does that give him an idea of his judicial work?—Yes, certainly.

39981. By merely inspecting his registers you can know how a Magistrate does his work?—To a great extent. He sees how he tries his cases.

39982. By inspecting his registers?—From the records as well. He can call for the records and look into them.

39983. But the officer who will really be in touch with his work will be the District Judge?—No. I do not admit that. I have not said that.

39984. Although he hears appeals?—To that extent he will be in touch. If he hears appeals from an officer, he is bound to be in touch with his work.

39985. You do not think that a District Judge would be in a better position to know the judicial capacity of the subordinate Magistrates?—Possibly as to their judicial capacity no doubt; as to their judgment and as to their power of weighing the evidence on the record, no doubt.

39986. That is to say, their capacity to try cases?—In certain respects.

39987. (Sir Theodore Morison.) I want to ask you a few questions about your College. Do I understand you to say that its principal characteristic is the difference in curriculum from the ordinary system of education in this country?—No. It would be the principles on which it is run. The curriculum would be a minor point of difference.

39988. The curriculum is to be modelled upon the competitive examination—I mean that the curriculum of studies is to have in view the examination for the Indian Civil Service?—Yes. But it would not be necessary to model it on that, just as the curriculum of an English public school is not modelled on that.

39989. That would be the object?—Yes. In the English public schools in my day most of the subjects that were prescribed for the open examination were taught at school: Latin, Greek, Mathematics, German and Italian, &c. Practically all these subjects were taught in school.

39990. That was so, because the examination was modelled upon the education existing in England. But you are now inverting the process?—Certainly not. I do not invert the process. I want to adopt the English model of education.

39991. You are not modelling it upon Indian education?—No.

39992. You are devising a curriculum which will be suitable for this examination?—Yes, and modelled upon the English school curriculum.

39993. You would not insist upon Latin and Greek, though they carry high marks in the examination?—They might be optional.

39994. You are prepared to give way in that direction?—I would afford facilities to young men to learn Latin and Greek.

39995. Because they carry high marks in the examination?—Yes.

39996. For the sake of that examination you are prepared to give education in India which you would not give unless that examination were in view?—Yes.

39997. You mean, broadly speaking, that other educational institutions do not pay much attention to character?—That is one of the objects I have in view.

39998. That is hardly just to a number of institutions that are trying to do their best?—I do not wish to do injustice to any of the institutions.

39999. For instance, the Rajkumar College—do you know anything about it?—No.

40000. Do you know anything about the Talukdars' School at Lucknow?—I do not. I have only seen the results.

40001. You have three Universities on the horizon?—Yes, on the horizon.

40002. As this too is; rather it is below it. What I want to put to you is, suppose you have a curriculum which is entirely outside the scope of the ordinary Indian education, what are you going to do with a large number of men, who will not rig up for the Indian Civil Service examination. There is a considerable amount of wastage in all the schools—people who cannot go up above a certain standard and who are left with a knowledge of a small amount of Latin and Greek; they will be unfit for anything and would not be able to pass on to any other school?—Still they would have a very good liberal, general education. They would have a better chance of getting into service than the failures of other institutions where the students have not had the same training.

40003. You know that the people who pass the Entrance Examination, which is half-way house between the high school and the College department, are able to get entrance into Government service?—Yes, into lower grade clerical appointments.

40004. The intermediate examination is again a half-way house with College, but still it has some value?—Yes.

40005. What about the upper fourth boy who knows Latin and Greek?—There might be similar tests introduced for them and the Government might say that anyone passing that test will have the same advantage as the students

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passing the Matriculation or the First Arts Examination.

40006. My general feeling is that it is easier to fit an examination to an educational system than an educational system to an examination?—No doubt that is so. There is no doubt about it.

40007. But you are still hostile to a separate examination?—A separate examination in India?

40008. Yes, for the Indian Civil Service?—I am.

40009. Though you might insist upon their being prepared for it in certain institutions, which would train them?—I am most decidedly hostile to a separate examination for the Indian Civil Service.

40010. There is only one other point which I wish to ask you. With regard to the period of probation, you want it to be spent in Oxford and Cambridge, do you not?—I have given my reasons for suggesting those two Universities. There is a better tone at these places.

40011. There will be a larger number of men and a stronger *esprit de corps*?—There will be less likelihood of forming a class apart. They will be more in touch with the influences of the University. If there is a small community of Indian Civil Service men in any University, the tendency is to form a class apart, and not to be in with the rest of the University.

40012. Would not that argument be all the more powerful if you would have them in one University rather than two, and your argument be doubly enforced?—Yes, provided it is not in London.

40013. Provided it is either Oxford or Cambridge, but not both?—I would not object; but I will certainly exclude London.

40014. From what you are saying, I can quite see that it must be one of the Universities?—Yes.

40015. Is it not really so, that all your arguments are in favour of one University and not two, and that the spirit of your argument is in favour of Oxford and Cambridge, but Oxford or Cambridge is the proper formula?—I admit that. My arguments do favour the selection rather of one, than of two, three or four—the fewer, the better.

40016. If the practical difficulties be overcome you will be in favour of one or two?—I would accept the selection of one—one of these two. I will not say that I am in favour of one, rather than two. I would accept that one should be selected.

40017. If there is given a sum of money, sufficient for the good teaching of one language, you will not give half and half to Arabic and Persian?—In that case I would prefer one to two; I would have one more efficient rather than two less efficient.

40018. (Mr. Maude.) You have heard that there is an alternative to your proposal in reply to question (3); that is, to give scholarships for boys to go home. Your proposal is to have a College out here; and the alternative is to send

the boys home on scholarships. Have you any special reason for preferring your plan to that?—I should like to know, under the terms of the proposal you are referring to, when the boys would be sent home?

40019. At an early age, at the time they would go to your College; at 14 or 15?—I have not seen that suggestion.

40020. Can you give any opinion on that on the spur of the moment? Would it in any way be preferable to your plan? Your plan comes to reproducing the model of English institutions in India; but would it not be better to take the actual institutions in England as you find them and make use of them?—I would rather prefer to see an institution started out here, chiefly because I feel that this is bound to come, and it is better that we should begin it. We must eventually have in this country institutions of the nature of public schools in England.

40021. I am asking that question because it is probable that one of these schemes will have to be adopted, and it is rather important to find out which would meet with the most acceptance, if we can do so?—I think Indian parents would view with favour the proposal to have an institution out here, and that this would meet with their ready acceptance, because the boys would be nearer home and in their own country.

40022. Do you think that there would be any counterbalancing advantages in having boys at an English school, with all its English surroundings, at such an early age?—There would be.

40023. Later on in the same answer you say that those who fail in the Indian Civil Service examination might be drafted into the Provincial Service of their province. Do you think from your experience that young men who had been to England, gone through that course there, having already gone through a College course first, would, as suggested by you, go into the Provincial Service; under the present conditions would they accept it?—I cannot say whether they would or would not, but I think they ought to, and they would be thankful to get this rather than do nothing. They will make a fuss about taking it, no doubt.

40024. In your answer to question (18) you advocated going back to the earlier age, that is to say 19—21 for the examination, and 21—23 for coming out to India. It has sometimes been said, I believe, that there was much greater tendency to break down in health among the men who came down at an earlier age. Is that your experience?—No.

40025. It would rather be the other way. According to your experience, those who come out at 24 and 25 are more likely to break down than those who come out earlier?—I think the men who came out at a young age became acclimatised better and sooner.

40026. Do you think that it would be an additional argument in favour of your suggestion

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that an earlier age-limit should be adopted?—That is an argument in favour of it.

40027. With regard to question (88), about the separation of the judicial and executive branches of the Service, do you think that District Judges would be in a position to exercise the same control over the work of Deputy Magistrates as is now exercised by District Magistrates?—I would confine their control to the decision of appeals.

40028. To meet the suggestion that, if appeals were taken away from the District Magistrates, there would be nothing left by which they could judge of the work of Subordinate Magistrates, you stated that they could send for the records and control them in that way?—There are many ways in which they can control them.

40029. Do you think that they can exercise control in such an effective way?—It is not a question of thinking. I know they can.

40030. Is it your opinion that Deputy Magistrates are in any way prejudicially affected in their decisions or otherwise in their judicial work, owing to the fact that they are subordinate to the District Magistrates?—It is not so in my experience.

40031. In your answer to question (64) you have laid great stress on the training in magisterial, revenue and executive duties for officers who are to go into the judicial branch. Do you consider that to be a matter of very great importance?—I do; it is of very great importance.

40032. I am now turning to the conditions of the service dealt with in the concluding questions under the Indian Civil Service. A suggestion has been made, as you have heard from our Chairman, that the present system of grades should be superseded by a time-scale with selection for promotion to the grades of Rs. 500 and upwards, or something like that. Do you not think that a system of that kind will introduce certain very undesirable features into the Civil Service, when it comes to the question of selection for the higher grades?—Undesirable features?

40033. I do not wish to specify them. Do you not think that it might introduce an undesirable tone into the Service?—I do. I quite agree with you.

40034. Therefore, you would prefer the present system of grading?—Yes. That is my "sentimental objection" referred to in a previous answer.

40035. You would not approve of the time-scale, if it is accompanied by selection for the higher grades?—No. I do not like the idea of a time-scale in the best interests of the Service.

40036. You are perfectly aware that different rates of pay for different grades exist for judicial officers which are considerably higher than the pay of Collectors and District Magistrates. Do you think that any sufficient reasons exist for the continuance of that differentiation?—The reason underlying this is the necessity of offering an inducement to officers to take to the judicial line.

40037. Why do they object to taking to the judicial line?—The feeling hitherto in our service has been—the feeling may not have been altogether correct—that the best officers are selected for the executive line.

40038. I know that it was so. Do you think that that feeling exists at all at present?—I can only speak of the feeling up to the time when my own bifurcation came. Up to that time we certainly thought that the best men got into the executive line.

40039. But that was some time ago. But do you think that that feeling still exists?—It has certainly died out to a considerable extent.

40040. But do you think that it still exists to a certain extent?—Yes.

40041. Do you think that is a sufficient reason for giving them a higher rate of pay?—No; I would not say that. I take it that if the bifurcation took place at a more junior age, these questions would not arise so much, and that the grades of pay might be assimilated without any objection.

40042. You have suggested that the bifurcation should take place after five years' service?—Five or six years.

40043. Do you think that should be accompanied by a readjustment of the grades, so as to equalise the pay of judicial and executive officers?—As far as practicable.

40044. In your answer to question (109) you have stated that the present maximum furlough allowance of £1,000 is inadequate. Have you ever heard, or is it in your personal knowledge derived from your speaking to your friends and others, that those officers who now-a-days very frequently go home come out considerably or heavily in debt?—I have heard of such cases, and I have known such cases.

40045. As far as you know, they were not cases of undue or wilful extravagance of any kind, but of just meeting the ordinary necessities of living at Home, up to the officers' accustomed standard?—Yes. It is possible that one's standard of living is rather higher after serving in India for many years. But I have known that many men, without undue extravagance and without special expenses, got into debt on their furlough pay.

40046. Have you anything to say with regard to the travelling allowance on transfers. I think you have not stated anything in your replies under the conditions of service?—At the end I have said something about it, with reference to the last question, i.e., question (137). I have suggested that the actual expenses should, up to a reasonable limit, be paid.

40047. In your answer to question (40), under the head of the Provincial Civil Service, you say that there is a strong feeling among the members of the Provincial Civil Service that whatever the system the Provident Fund may be, it would be more suitable than the present system of superannuation pensions. Can you give me your grounds for that opinion?—I have spoken to

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many members of the Provincial Civil Service on the subject and I believe that, without exception, they have all favoured a Provident Fund.

40048. On what ground can you tell me at all? What is the main idea?—I think the main idea is that they would get a lump sum down.

40049. Which would benefit their families?—Yes.

40050. Otherwise they might lose the whole thing?—They think that it would be better to get a lump sum. They do not expect to live very long generally after they retire.

40051. (Mr. Datta.) I wish to ask you a few questions about the Provincial Service, specially the judicial branch of it. In answer to question (2) you say "I would suggest 24, i.e., under 25, as the age limit for enrolment and 25, i.e., under 26, for first acting appointment." Do you know the present arrangements for passing the B.L. Examination? What is the minimum age at which one can become an M.A. B.L.?—No, I do not know.

40052. Do you know that the minimum age for passing the Matriculation Examination is 16?—I do.

40053. When he takes the B.A. degree he is 20?—Yes, that is possible.

40054. That is the minimum age?—Yes.

40055. To become an M.A., he must be 22, i.e., two years' course?—Two years.

40056. Then he must have a three years' course for the B.L., i.e., he will be 25?—I take it that is correct. I am not aware of the length of the course for the B.L.

40057. You have advocated the attendance at courts, and that might necessitate the spending of one year, and so he must be 26 before he can be eligible for enrolment?—I should drop out that one year then.

40058. And that does not provide for any chance of failure or sickness. With these facts placed before you, would you not modify your answer by fixing the age at 27 for enrolment, giving one year's grace for chance?—I should like to see it as early as possible.

40059. That is the drift of your answer?—Yes.

40060. Without looking into the details?—Yes. I think that the three years' practice might be abolished.

40061. Not even one year, you would have?—No. I set no store by it.

40062. Do you not think that one year at least is required to know the ins and outs of the court?—No. The B.L. test is a rigid one.

40063. The drift of your answer is as early as possible?—Yes, so that they may have a fair chance.

40064. If you have 24 for B.A. and B.L., you must have 26 for M.A. and B.L.?—That follows.

40065. In answer to question (8) you have said that all communities at present are not duly represented. I would be the last person to take up any race questions, but at the same time I am bound to ask you whether Muhammadans are not

duly represented?—I was not particularly thinking of Muhammadans.

40066. Then what do you mean by that?—Take for instance the Rajputs.

40067. There is not even a single Rajput in Bihar?—There are Rajputs in the executive branch of the Provincial Service.

40068. That is possible; but there is no Rajput B.L., which is an imperative test for the appointment?—That is possible. This non-representation is due to the backwardness of education.

40069. Practically it comes to Hindus and Muhammadans. They are the only two communities found among Munsifs and Sub-Judges?—A Rajput is a Hindu.

40070. He will come under Hindus. If I give you facts, would you like to modify your answer that Muhammadans are not duly represented?—I am not referring to them. I have said already that I was not referring specially to the case of Muhammadan representation.

40071. Then what do you mean by communities not being duly represented?—I gave you the instance of Rajputs.

40072. If you take the class of Rajputs, then there are a number of classes to be taken into consideration, and it would be impossible to have representation of all these classes?—For instance, the Kayasthas are too much represented; they are very largely over represented.

40073. However, I will give you some facts. Do you know the number of Hindu B.L.'s. Or else I will give you the figures. There are 5,800 Hindu B.L.'s. and 200 Muhammadan B.L.'s. I have taken the figures from the last University Calendar, and this comes to 3.3 per cent. as Muhammadan B.L.'s. If you take the joint cadre of Bengal and Bihar, which have been recently partitioned, you will find that the joint cadre is 287 for Bengal and 88 for Bihar, making a total of 375. The number of Muhammadan Munsifs is 28 or 7 per cent., i.e., double the proportion?—Double the proportion of B.L.'s.

40074. The proportion, do you mean, of the class?—Of the class or community, not of the B.L.'s, in the community.

40075. You have the imperative necessity of being a B.L., if not you cannot give the appointment to anybody else?—If you will kindly read my answers, you will find that I have said that this undue representation or want of representation is due to backwardness in education.

40076. Due representation must be amongst the qualified classes?—I do not admit that.

40077. Then I will give you another thing. Have you seen the last census figures, in which it is said that Muhammadan males are only 12 per cent. in Bihar and Orissa?—Of the total population of males? That is possible.

40078. In the Bihar service, the cadre is 88 Munsifs and Sub-Judges, and the number of Muhammadan Munsifs and Sub-Judges is 20. That is, 21 per cent. If it be said that they are not duly represented, then I must say that the



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[concluded.]

Hindus are not properly represented?—Those figures go to show that the Muhammadans are represented in the proportion of population, certainly.

40079. More than 12 per cent of the population; they have got 21 per cent?—May I repeat that in my answer I am not referring only to Muhammadans. I am considering all classes. My answer was that all classes were not duly represented. I have never said that Muhammadans in particular were not duly represented.

40080. But by all classes do you not mean Hindus and Muhammadans?—I do not mean only Hindus and Muhammadans.

40081. By all classes you mean Rajputs, Kayasthas, Brahmans and others. Do you mean that?—There are various classes besides Hindus and Muhammadans. These are the two main religions.

40082. What do you mean by classes?—Not necessarily religions.

40083. By classes you mean Kayasthas and Brahmans?—In some cases castes, and in some cases nationalities. Class is a very general term.

40084. In what sense have you used it?—I have used it in its general sense. It covers all these. I specifically said at the beginning of my reply to the question, that I had not under consideration the particular case of Muhammadans.

40085. And you do not mean the Hindus?—I have never said that Muhammadans were not duly represented in the judicial branch.

(The Chairman requested Mr. Datta to proceed to the next question, as the witness had already given the answer to the question put by Mr. Datta and there was no use in pressing him further.)

40086. You approve of two-thirds pay for listed posts?—Yes.

40087. You do not approve of less than two-thirds pay?—No.

40088. What is the pay of the third grade District Judge; is it not Rs. 2,000?—Yes, it is.

40089. A third grade listed District Judge gets Rs. 1,200?—Is it? I have forgotten that.

40090. Two-thirds of Rs. 2,000 comes to Rs. 1,333?—I should give him Rs. 1,333.

40091. You are prepared to give that?—Yes.

40092. Another statement of yours for which the whole Service is thankful to you is that you think that the Service is undermanned? I do.

40093. And the delay in the disposal of cases is due to the fact that it is undermanned?—Largely; not altogether.

40094. And no amount of supervision or goading will remedy that defect, unless the Service is properly manned?—Not altogether.

40095. To a great extent?—Goading might have considerable influence; but this would not altogether remedy it.

40096. If it is properly manned, there may be greater control?—A better control would have a good deal of effect.

40097. As at present manned, it is not possible to attend to that?—I am ready to believe that.

40098. (Mr. Hussain). You have referred in answer to question (11) of the Provincial Civil Service that you would suggest the Registrarship in the Secretariat being thrown open to the Members of the Provincial Civil Service. Do you think that that arrangement will facilitate the equipment of the officer to take up the Under-Secretaryship, for which the Government is now in difficulty to find a suitable candidate?—Yes. The training would be very useful.

40099. Then you say in answer to questions (24) and (26) that you admit the importance of readjusting the present grades in the executive branch of the Provincial Service so as to remove the excessive block of promotions?—Yes.

40100. Now, it was put before this Commission as an alternative scheme that, in the event of the time-scale of pay not being accepted, the upper grades should be strengthened, and it was said that they should be strengthened to the extent which is now held by the judicial branch of the Civil Service, namely, 29 per cent. of the posts on Rs. 600 and above. Do you think that the judicial service, as it now stands, suffers from block of promotions, and, if so, will that arrangement of levelling up the executive branch of the Service to the present position of the judicial service relieve the block of promotions in the provincial executive Service?—That I cannot say. I should not be guided by the example of the judicial branch of the Service. I should readjust the grades of the executive branch of the Provincial Service so as to make the flow of promotion reasonable and fair.

40101. But you admit that the judicial service, as it now stands, suffers from block of promotions?—I believe it does.

40102. And, therefore, any levelling up of our Service with them will not relieve that block?—I do not propose to level one Service with the other. I do not suggest that.

40103. If there was such a proposal, would you accept it?—No, I do not think it is relevant.

40104. Then you have said in answer to question (38) of the Indian Civil Service that the class of posts now listed are suitable. I presume that this does not necessarily involve the suggestion that there are no other directions in which expansion could not be made. I would suggest to you whether the Registrarship of the Co-operative Societies should not be thrown open to the Provincial Civil Service, bearing in mind the fact that a similar experiment is being tried in Bengal, and with very good results?—I am of opinion that the Registrarship of Co-operative Credit Societies might properly be thrown open to the executive branch of the Provincial Service.

(The witness withdrew.)



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MR. KRISHNA SAHAY.

KRISHNA SAHAY, Esq., Vakil.

*Written answers relating to the Indian Civil Service.*

40105 (1). What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—The system of open competition for recruitment of the Indian Civil Service is perfectly sound, but the examination as at present conducted in England only entails hardship on Indian candidates, and in that view of the matter it is unsatisfactory.

40106 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—The present system is faulty in so far that it hardly affords a fair opportunity to Indian candidates to compete successfully in the examination. I would therefore suggest the desirability of simultaneous examinations being held both in England and in India.

40107 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—No; the main alteration I recommend is the holding of simultaneous examinations with certain necessary changes in the subjects prescribed for the examination.

40108 (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—The present system cannot be said to be to the disadvantage of Indians, because it may enable some Indian candidates to secure admission in the Home and Colonial Services.

40109 (5). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose? No alternative is necessary to suggest for reasons stated above in reply to question (1).

40110 (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—I am strongly in favour of simultaneous examinations being held both in England and in India, open in both cases to all natural-born subjects of His Majesty.

40111 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—I am totally opposed to the suggestion embodied in the question.

40112 (8). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for

admission to the Indian Civil Service by means of (a) nomination, (b) combined nomination and examination, or (c) any other method? If so, describe fully what system you would recommend. In particular do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?—No, it will not be desirable to introduce the question of the representation of classes and communities in the highest governing body, in the recruitment of which efficiency should be the sole standard.

40113 (9). If you are in favour of a system for the part recruitment of the Indian Civil Service by Natives of India in India, do you consider that "Natives of India" should still be eligible for appointment in England?—Natives of India should continue to be eligible for appointment in any case.

40114 (10). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India" as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?—No, I would not favour any such system.

40115 (11). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system which you would propose?—My suggestion for the recruitment of the Judiciary will be found in reply to question (37).

40116 (12). Are you satisfied with the present statutory definition of the term "Natives of India" in section 6 of the Government of India Act, 1870 (33 Vict., c. 3) as including "any person born and domiciled within the Dominions of His Majesty in India, or parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter?—No. I would suggest the exclusion of persons of unmixed European descent from the definition.

40117 (13). If the system of recruitment by open competitive examination in England is retained, state the age limits that you recommend for candidates at such examination, giving your reasons?—The present age should be retained.

40118 (14). What in your opinion is the most suitable age at which junior civilians recruited in England should commence their official duties in India?—Twenty-five years.

40119 (15). What age limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age limits for Natives of India and for other natural-born subjects of His Majesty?—The present age limit should be

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retained, as it suits the Natives of India better, because the minimum age for appearing at the Matriculation in this country is now fixed at sixteen, and thus the Indians cannot graduate themselves before they are twenty or twenty-one. I recommend no differentiation in point of age amongst the candidates.

40120 (16). What alterations, if any, do you recommend in the authorised syllabus of subjects and marks prescribed for the open competitive examination?—I would suggest the raising of the marks in Sanskrit and Arabic to the same maximum as those fixed for Latin and Greek even if need be by raising the standard in Sanskrit and Arabic. I would further suggest the addition to the syllabus of Pali and Persian with the same marks as those assigned for the modern European languages.

40121 (17). Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons?—No differentiation is desirable.

40122 (18). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons?—Posts of a purely executive nature may for the present be reserved for members of the Indian Civil Service; purely judicial posts (like those of District and Sessions Judges) and posts in the Secretariats of Governments and Boards of Revenue, should now be excluded from the Scheduled posts reserved for the Indian Civil Service. The reason is to enable the Government to recruit the judiciary from the Bar, and to enable Indians to enter the Government Secretariats and the Boards of Revenue and to obtain experience of the working of these departments.

40123 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?—No, because in my opinion it will be obviously illegal as opposed to the plain words of the Statute of 1833 and contrary to the pledges contained in the Royal Proclamations.

40124 (20). Do you accept as generally satisfactory in principle the present system under which Natives of India are recruited for posts in the Indian Civil Service cadre partly through the medium of an open competitive examination in England, and partly by special arrangement in India?—No. To do full justice to Indian claims, simultaneous examinations are absolutely necessary.

40125 (21). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—No.

40126 (22). If the system of recruiting military officers in India for posts in the Indian Civil Service cadre has been stopped or has never

existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent in your opinion should it be adopted?—The system of appointing military officers was in force for many years in the Chota Nagpore Division, but it caused great dissatisfaction and has now been entirely given up, and should not therefore be revived.

40127 (23). Do you consider that such a system should be restricted to the recruitment of Military officers, or extended to the recruitment of selected officers from other Indian Services?—The system suggested in the question should not at all be extended to other departments.

40128 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?—The system is desirable, but the number of listed posts should be increased from time to time to meet the legitimate claims of the Provincial Civil Service.

40129 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one quarter of the listed posts?—No.

40130 (26). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—No.

40131 (27). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—No, I am not satisfied with the class of posts thrown open to the Provincial Civil Service. I would like that Secretaryships to the Governments and the Boards of Revenue should be thrown open to them, because selected members from the Provincial Civil Service such as would be appointed to these posts are not likely to be inferior to the Civilians.

40132 (28). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the Service?—Yes.

40133 (29). If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?—Two years. The syllabus must comprise Indian History and Laws and the principal vernaculars of the province to which the candidate has been assigned. I would suggest that candidates succeeding in the open competition in England should spend their probationary period in India, and those in India in England.

40134 (30). Do you consider that any differentiation is necessary between the course of study for probationers who are Natives of India and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No differentiation is necessary except perhaps in very minor details.

40135 (31). Do you think it desirable to start, at some suitable place in India, a College

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for the training of probationers of the Indian Civil Service, and possibly of other Indian Services recruited in England?—No.

40136 (34). Do you think it desirable that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—No. Not at any central institution.

40137 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should in your opinion be introduced?—No. At present practically there is no suitable training imparted to junior Civililians. In my opinion those who come to India should be trained under selected officers who should be directed to pay special attention to their training, and their knowledge and experience should be tested from time to time by departmental examinations and otherwise.

40138 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—No; because few in this province, of which only I can speak with some knowledge, possess a sound knowledge of the vernaculars. They do not possess adequate proficiency in the languages of the province. They should be made to master the languages thoroughly, both by study of books and also by intercourse with the people; and their proficiency in this respect should be tested from time to time.

40139 (37). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the judicial branch?—My view is that the members of the Indian Civil Service should be required to pay special attention to the Indian laws and customs during the period of their probation. As for judicial officers, my suggestion is to recruit them (i) direct from the Bar, and (ii) by promotion of the officers of the judicial branch of the Provincial Civil Service.

40140 (38). Do you recommend any special course of study in law in India for officers selected for the judicial branch?—It will not be necessary to do so if the judiciary is recruited as suggested above.

40141 (39). Do you recommend any special training in subordinate judicial posts in India for officers selected for the judicial branch? If so, please give details?—No; as the members of that body are generally barristers or vakils of three years' standing.

40142 (40). Is any differentiation desirable in a system of training after appointment in India between members of the Indian Civil Service who are Natives of India and other natural-born subjects of His Majesty? If so.

please state the special arrangements that you recommend?—No.

40143 (42). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent?—No.

40144 (45). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—It should be abolished, and if it is to be maintained it should be given to all Civililians irrespective of their nationality.

40145 (47). Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Service holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of service?—Yes, I approve of it.

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40146 (51). Please refer to Government of India Resolution No. 1046-1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—Yes, they are suitable.

40147 (52). In particular, are the rules for the recruitment of the Provincial Civil Service in force in your province suitable, or have you any recommendations to make for their alteration?—No. All appointments in the Provincial Civil Service should be filled up by open competitive examinations, except some with a view to equalise appointments of classes and communities from amongst those who have competed and obtained highest marks. Such recruitments to be limited in number in proportion to the requirements. No proportion should be fixed, but nomination to be made to meet the exigencies of the particular year to secure the representation of classes and communities.

40148 (53). Do you consider that recruitment for a Provincial Civil Service should ordinarily be restricted to residents of the province to which it belongs?—Yes, most decidedly.

40149 (54). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—No. At present the Bihari Hindus are very inadequately represented. It is desirable. I would recommend arrangements suggested in my answer to question (52) to secure this object.

40150 (55). Are you satisfied with the existing arrangements for the training and proba-

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tion of officers appointed to the Provincial Civil Service?—I am satisfied.

40151 (57). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and, if so, in what direction?—The functions of the officers of the executive and judicial branches of the Provincial Civil Service are broadly differentiated in so far that Munsifs and Subordinate Judges try civil suits, and Deputy Magistrates and Sub-Deputy Magistrates try criminal cases and do miscellaneous revenue and criminal work. The change that seems to me to be desirable in the Provincial as well as in the Indian Civil Service is, that there should be a complete separation of the Judicial and Executive functions. The present system, which combines the two functions in one and the same officer, is responsible for the most glaring instances of miscarriage of justice which occur in the country. The dispensation of impartial justice as between man and man is the birthright of man, and is the noblest achievement of British rule and entitles it to the profound gratitude of the Indian people, and anything which interferes with the proper administration of justice is an evil which should be promptly remedied. The necessity for this reform is admitted, but objection is sometimes taken to it on the ground of expense. It has been shown by competent authorities, such as Mr. R. C. Dutt and others, that the expense, if any, will not be appreciable. I may go a step further, and add that no expense should be regarded as too heavy which will improve efficiency in the administration of justice.

40152 (58). Are you satisfied with the present designation "the Provincial Civil Service?" If not, what would you suggest?—The Services ought to be named after the province in which the officers serve.

40153 (59). Do you accept as suitable the principle recommended by the Public Service

Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—Yes.

40154 (60). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—No. I would suggest an additional grade of Rs. 1,000 for Deputy Magistrates and the raising of the initial pay of both the Deputy Magistrates and the Munsifs to Rs. 300 per month; and a grade of Rs. 500 should be created for Munsifs trying cases up to Rs. 2,000.

40155 (61). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—Yes.

40156 (62). Have you any proposals to make with regard to the leave rules applicable to the Provincial Civil Service? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—No, but leave rules for the Europeans and Indians should be the same.

40157 (64). Are you satisfied with the existing organisation of the Provincial Civil Service? If not, please state what alternative organisation you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—No other alternative organisation is necessary. The organisation as it exists, with the modification suggested above, will suit the present requirements.

MR. KRISHNA SAHAY called and examined.

40158. (Chairman.) You are a Vakil and a Member of the Bihar and Orissa Legislative Council?—Yes.

40159. Do you occupy any other public positions?—I am the Honorary Secretary of the Bihar Landholders' Association.

40160. You are in favour of the system of simultaneous examinations in England and in India for the recruitment of the Indian Civil Service?—Yes.

40161. You do not consider that any minimum of Europeans is necessary?—It is not necessary to lay it down.

40162. Do you attach importance to the maintenance of the European element in the Service?—I do attach importance to it; but I think that the simultaneous examination is not likely to result in a large influx of Indians.

40163. Would you not be prepared to see Europeans excluded by such a process?—No.

40164. Do you think that if the simultaneous examinations were instituted a larger number of

Indians would be successful at the examination?—Large numbers will by degrees get in, but not a very large number for years to come, because of the want of educational facilities in this country to train up boys for the Indian Civil Service.

40165. Suppose the European element were too much reduced, what course would you take for maintaining it?—I do not see that they would be unduly reduced for many years to come. In view of the fact that we have not got any of the educational facilities to train up students for the Indian Civil Service examination, in spite of the simultaneous examinations, for years to come a large number of students could not get in, although their number will increase largely.

40166. In answer to question (18), you suggest recruitment in certain cases for the judiciary from the Bar? Would you suggest that the Government should nominate from the Bar generally?—Yes.

40167. Is there any particular reason why nomination should work well in this case with

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regard to lawyers any more than it should in regard to the entry into the Service?—Yes. Because they have substantial grounds to go upon. They may take the standing of the lawyer into account, for how many years he has been practising and what his general abilities are as a lawyer. These considerations will enable them to make a proper selection.

40168. Do you think that would be a strong enough ground?—Yes.

40169. It has been suggested to us that a selection should be made from Government Pleaders and Public Prosecutors. What would be your idea about that?—I would not confine the selection to Government Pleaders and Public Prosecutors only, but would keep the field open.

40170. You desire, in regard to the Provincial Civil Service, that it should be filled by open competitive examination; but you would allow a few nominations to be made from among qualified candidates, thereby ensuring the representation of certain communities?—Yes. Those who have not been able to get in by competition.

40171. Would you bar the scheme of promotion from the subordinate service to the Provincial Service?—Not necessarily.

40172. I ask because you do not mention it. You suggest two forms of recruitment, one by competitive examination and secondly by the nomination of a few qualified candidates?—I would not exclude the subordinate service.

40173. Have you any views about Sub-Deputy Collectors in the subordinate service being taken up into the Provincial Service, on which we have had a good deal of evidence in this province?—I think the separate class of Sub-Deputy Collectors ought not to be maintained: they are chosen from the same class as Deputy Collectors.

40174. Would you include them among Deputy Collectors?—Yes.

40175. Would you include the whole of them or would you take merely those who are already doing similar work to what is being done by Deputy Collectors?—I would absorb them all gradually.

40176. In answer to question (62) you suggest that the leave rules for Europeans and Indians should be the same. Do you not think that a European officer, who is living at a great distance from his home, should be regarded as being under somewhat different conditions from those under which others are living in this country?—Yes, under certain conditions; but the leave rules are very liberal.

40177. What you suggest is that the Indian conditions of leave should be precisely the same as the European conditions of leave?—Yes. That is what I think should be the rule.

40178. Are not these conditions very different ones?—Not much different, now that the voyage to Europe is so very easy.

40179. You do not think that the difference of distance as between England and India constitutes sufficient ground for making any differen-

tiation?—I do not think that is a sufficient ground.

40180. In urging a complete separation of the judicial and executive functions, you state, that "the present system which combines the two functions in one and the same officer is responsible for the most glaring instances of miscarriage of justice which occur in this country." Can you give us individual instances to justify this strong language?—I shall.

40181. I do not propose to ask you about it in public as it is better in the public interest that evidence regarding personal and individual instances should be taken in private. At the same time when a statement like this is made, the Commission would desire to have a substantiation for it?—I am prepared to give it.

40182. (Sir Theodore Morison.) I understand you to be of opinion that the Provincial Service should be reserved to the residents of the province?—Yes.

40183. What are your reasons?—Because the educational standard in each province is not the same. There are some provinces which are much more advanced than others. For instance, take Bengal and Bihar. If the people of these two provinces are taken as one, the Biharis will be nowhere.

40184. You think it very important?—I think it very important.

40185. That they should have a fair chance of being represented in the administration of their own country?—Yes, I attach great importance to it.

40186. If you had the simultaneous examinations for the Indian Civil Service will the Biharis be nowhere also?—I have said that there efficiency should be the sole test, in the supreme governing class of the country. There that matter does not enter into consideration at all.

40187. Am I to gather that a Bihari is not an efficient public servant?—That is not what I mean. If the Biharis qualify themselves for the Indian Civil Service they will be there.

40188. You do not require efficiency in the Provincial Service?—I do wish to secure efficiency, and I secure it by competition.

40189. Do I understand you to say that you would get more efficient public servants if you throw the service in Bihar open to Bengalis?—I am not prepared to say that.

40190. Then why are you prepared to say that for the Indian Civil Service?—That is the highest governing body in the land.

40191. You mean that it must be more efficient and efficiency can be better tested in that case. Is it not important in the Provincial Service?—It is important, but there are other considerations.

40192. Which other considerations?—The communities should be represented.

40193. Where?—In the Provincial Service.

40194. In the Provincial Service, you say that you can secure efficiency by confining the recruitment to the residents of the province and by

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excluding the more highly educated in the other provinces from it. You said that in Bengal education was more highly developed, and you only wished to exclude them from competition. You wish to exclude the more highly educated section?—Yes, in the matter of passing examinations.

40195. And you think that the administration can be efficiently conducted by the residents of the province?—The required efficiency can be secured.

40196. You think that it will give more satisfaction to the residents of this province, if it would be preferred by Biharis than outsiders?—It would.

40197. May I apply the same argument to the Indian Civil Service examination. Could you not secure sufficiently efficient Biharis to be in the Indian Civil Service?—By what?

40198. There are certain methods by which you could—by limiting the competition within certain areas?—No. I would not restrict the areas. Depart, from it here; and I do not insist on that condition.

40199. I see you do not. I want to know why it is that you do not require efficiency in the Provincial Service?—That does not follow that you do not require efficiency for the Provincial Service.

40200. You do not secure it by the same means?—No.

40201. I see from your answer to question (16) that you want to introduce Pali as a subject for the open competitive examination. Is that a modern language?—Pali is supposed to be an advanced language just like Persian.

40202. I see that it is only in Bihar you want Pali, and that Pali and Persian are bracketed together, but I do not see much similarity?—Pali is an advanced language, and I do not think

there is similarity to Urdu. I do not think that Urdu is sufficiently advanced like Persian.

40203. Persian stands on the same footing?—Pali is one of the vernaculars and is so far advanced as to be put on the same footing as the Persian.

40204. Is it a living language anywhere?—It occupies just the same position as Persian occupies.

40205. Persian is a living language; it is a modern language?—It is not so, so far as India is concerned.

[Adjourned for a short time.]

40206. (Mr. Madge.) Can you give us details, if called for, about the glaring instances that you speak of. You mention one, but are there several of that kind?—Yes; I have mentioned one, but there are others also.

40207. Several?—Yes.

40208. Of which you could substantiate the details?—Yes.

40209. (Mr. Datta.) Your practice has extended over a long period at Bankipore?—Yes, for about twenty years.

40210. You have seen the decisions of Munsifs and Sub-Judges and Deputy Magistrates?—Yes, I have in the course of my practice.

40211. What do you think about the findings of facts of Indian Munsifs, Sub-Judges, and Deputy Collectors: do they compare favourably with the decisions given by European members of the Service who are Covenanted or in the Provincial Civil Service?—Generally speaking my opinion is that on points of fact the Indian Judges come to right decisions, and I should think they are not inferior to European members on points of Law.

40212. Do I understand that they come to a better decision than Europeans?—I think so.

The following portion of Mr. KRISHNA SAHAY'S evidence was taken *in camera*.

40213. (Chairman.) We will just ask you now in private to give us instances to support the statements you have made in regard to the cases of injustice that you say you know of which have arisen owing to the Civilian Judge?—The most recent instance I know of is that of Rajendra Narayan Singh at Bhagalpur. That was decided by Mr. Justice Mukherji. It was a case in which proceedings under Section 110, according to the finding of His Lordship, were kept in abeyance against a Zemindar for the appointment of a European manager. That is a reported case to be found in the last volume of the "Calcutta Weekly Notes."

40214. (Sir Murray Hammick.) Was it a case of appeal to the High Court of Calcutta?—Yes. Two Judges differed and the matter was referred to a third Judge, Mr. Justice Mukherji, and was disposed of.

40215. Does Mr. Mukherji in his judgment reflect on the conduct of the Civilian Judge?—Yes.

40216. Is it a Judge or a Magistrate case?—A Magistrate case.

40217. And he reflects on the conduct of the Magistrate?—Yes.

40218. Therefore we had better get the record?—Yes, I think the whole judgment ought to be read. This case illustrates the matter very well.

40219. You say it is a published case in Calcutta?—Yes, it is in the "Calcutta Weekly Notes."

40220. Does it appear in the Indian Law Reports?—It will take some time before it appears in the Indian Law Report series, but it is to be found in the "Weekly Notes."

40221. (Mr. Madge.) Are you aware that there was a history in this case with reference to the appointment of that manager that does not appear in the evidence?—I do not know.

40222. There is a regular history about transactions between the Executive Officer and the manager in that particular case which does not

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[concluded.]

appear in the evidence. Whose fault it was I do not know?—I think the whole matter appears in the evidence, if you take into consideration the explanation which was given by the Magistrate to the High Court and also the affidavit which was made by Rajendra Narayan Singh in his original motion.

40223. (*Chairman.*) Can you give us any other instances?—The other instance is the well-known Pennell Case, ordinarily known as the Chapra Case. The whole record of that is available. The case went before the High Court and has been published.

40224. (*Mr. Abdur Rahim.*) Do you know what year that was?—It is a long time ago now, but I can find out the reference. Mr. Haq will be able to give you much more detail about this case as he was acting in it, conducting it on behalf of the accused.

40225. (*Sir Theodore Morison.*) That is an old case. Do you remember any more recent ones?—I can refer only to those cases which have actually gone before the High Court and which have seen the light of day. There might be cases which did not go up to the High Court but in which all the same this evil was illustrated.

40226. (*Chairman.*) Are those two instances the grounds for that statement you make: "The present system which combines the two functions in one and the same officer is responsible for the most glaring instances of miscarriage of justice which occur in the country"?—And also the twenty cases collected by the late Mr. Ghose in his pamphlet.

40227. (*Mr. Fisher.*) Did he collect them from over the whole of India?—No. He gathered those cases in the course of his extensive practice in the mufassal, in Bengal, and he said in that pamphlet that those are some of the cases he came across. I may inform your Lordship that there is a particular reason why I placed the matter before the Commission. As Honorary Secretary of the Bihar Landholders' Association I received the question and subsequently called a meeting of the Executive Committee of the Bihar Landholders' Association, and there this matter was discussed, and as the members are very much interested in that case of Rajendra Narayan Singh special steps are being taken by the Association to place the case before the Government and before this

Commission as illustrating the evil which affects the interest of landlords. The case has created a good deal of sensation. It was the case of a Zemindar in the district of Bhagalpur, and as Honorary Secretary of the Bihar Landholders' Association I was asked by more than one member to take particular steps to bring the case to the notice of the Government, and also, if occasion should arise, to place it before the Royal Commission.

40228. (*Sir Murray Hammick.*) This is a case which you say Mr. Justice Mukherji notes upon in his judgment?—Yes, that is the case.

40229. (*Mr. Abdur Rahim.*) Is the feeling very strong here regarding this question?—Very strong in Bihar. There is a sort of feeling of insecurity. I do not know that it is justified by a single instance, but there it is.

40230. And you feel it very strongly in the profession also, that this combination is productive of evil?—Yes.

40231. Do the Zamindars look upon this combination as an evil?—I think the Zamindars particularly, because of this case. They think that if under Section 110 proceedings can be kept in abeyance for a period of ten years against a Zamindar to make him do a certain act, very great difficulties may be created for them.

40232. What is the point of dissatisfaction generally with regard to this combination of the two functions?—The feeling is that justice cannot be administered properly if the functions are combined in one and the same individual, that there cannot be a proper dispensation of justice between man and man so long as this combination of the two functions continues in the same person, who himself becomes the Prosecutor and afterwards sits in judgment over his own action.

40233. But he does not himself try the cases that he initiates?—The feeling is that those who try do not act independently in the majority of cases.

40234. You mean the Subordinate Magistrates?—Yes.

(The witness withdrew.)

PANDIT RAMA BALLABH MISRA, M.A., District Officer, Puri.

*Written answers relating to the Indian Civil Service.*

40235 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—On the whole, I think the present system of recruitment by open competition is suitable in principle. I should have preferred to introduce an element of selection, on the ground of character, antecedents and social status, before actual competition, but the practical difficulties

of working any such combined system are so great as to render it, in my opinion, almost hopeless.

40236 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—The system is, however, most faulty in one important detail, viz., the centre where the examination is held. The inevitable outcome of the present arrangement is to practically shut out the "Natives of India" from the Service.

40237 (4). Further, is any differentiation desirable between other classes of natural



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[continued.]

born subjects of His Majesty? If so, what do you propose?—On first thought, one would like to exclude the natives of Colonies where an Indian is not getting fair treatment, but in the wider and larger interest of creating a solidarity of feeling for the Empire as a whole and of holding up the ideal of Imperial citizenship to one and all, no such differentiation should be made.

40238 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—The conditions and requirements of the service in India being quite different from those at Home and in the Colonies, the present combination of the competitive examination for all the three services seems to be illogical. Although it affords a wider field of choice, the restriction of the examination to the Indian Civil Service would confine the selection to better materials for India—I mean, to candidates, imbued with aspirations only for an Indian career, better grounded in subjects more directly affecting India than the other countries, and therefore better equipped for service in India.

40239 (7). What is your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—This is really a very difficult question to answer. It is possible to import so many irrelevant, unpleasant and harassing matters into its discussion as to completely screen from view the real, the crucial point at issue, namely, the wider association of the Natives of India in the higher administration of the country. Diffusion of English education in the country, the consequent waking up of the political conscience of India after a slumber of ages, startling political developments in Asiatic countries at her very doors, the inauguration of a very sympathetic and very liberal era in the administration of the country since the introduction of Lord Morley's Reform scheme, above all His Majesty the King-Emperor's most affectionate speeches delivered in India, have completely transformed Indian aspirations, which are now flowing in channels hitherto undreamt of. With the great vista of possibilities so opened up, the Indian intellect and the Indian talent are feeling as if they have been emancipated from the bondage of centuries and are earnestly yearning for fuller expression. This, in my humble opinion, is the key-note to the whole situation. The endeavour of wise statesmanship should lie in the direction of skillfully guiding and moulding this aspiration so as to enlist it on the side of the Empire. Arguments based on the requirements of efficiency should be tempered with the watch-word of "sympathy" and "hope" whispered into India's ears by His Gracious Majesty the Sovereign himself, and the problem should be viewed from that lofty stand-point which His Excellency the Viceroy adopted in giving her the watch-word of "faith." There ought not to

arise any question of the comparative efficiency of the Indian and the European. Efficiency is a relative term and can have no finality. We do not want the most brilliant men the world can produce for administering an average District in India, which is usually peaceful and calm and follows a settled line of administration. Once the principle is conceded that Indian aspirations should meet with a sympathetic response, what one should look for and secure is that requisite standard of efficiency which can run an average Indian District and an average Indian Division. Nor should too much apprehension be entertained as to the lowering of the British tone of the administration in consequence of the increase of the Indian element in it. The men selected will undoubtedly be those who have been imbibing English ideas, and studying English ideals from their very infancy, and in many a case drinking deep in English lore at the feet of English professors. The recruits must be the flower of the finished products of English education given in this country and as such they are always expected to maintain the British tone. On the other hand, any possible loss to the administration, because of the alleged weakening of the British tone, will be more than compensated by the increased touch the administration will have with the governed, the increased insight it will possess into the working of Indian society and of the Indian mind, and by the increased sense of confidence and oneness in the Empire which such a measure is bound to evoke in the easily susceptible hearts of the loyal Indian people. With the three factors kept before the mind's eye (i) that it will not be wise to ignore earnest Indian aspirations, (ii) that it is not a European but an Indian District that is to be governed, (iii) that the pick of the English-educated youths in India can very well come up to the normal standard of efficiency required in administering an Indian District, the situation can be seen in a much clearer perspective. There can be no question as to the predominance of the British element, not only on political grounds but also in the larger interests of the country herself, but it cannot be denied that with the introduction of the wider Indian element in the legislation of the country and as the necessary corollary of the moral and political forces operating all over the country as mentioned above, the time has arrived for the larger introduction of the Indian element in the execution and the administration of those laws. I would not advocate any sudden change on a large scale. I plead only for a cautious advance. Simultaneous examinations should, in my opinion, be the goal to be worked up to and not the very next step to be taken. That India should take equal rank with the other component parts of the glorious British Empire is the dream of many an Indian political leader. But it is also very well realised that it is a dream and that it cannot—it ought not to—come to-morrow. Meanwhile the recent reconstitution of the Councils on a more popular basis is regarded on all hands as a very substantial measure of advance towards draw-



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[ continued.

ing the people closer to Government. Similarly simultaneous examinations should be the goal—I would not use the word “dream” here—but a distant goal with a large distance in between to be covered. In the meantime what is needed is a decided step forward. The standard of education is far from uniform in all the Provinces of India, and unless and until some degree of uniformity is reached simultaneous examinations will lead to one or two Provinces swamping the rest. To give almost every unit of the country a chance, I would, as a measure suited to the present transitory period of India, suggest the adoption of a separate examination as stiff as that at Home, not for each Province but for groups of similarly circumstanced Provinces, each group having a chance by some method of rotation. To guard against the deterioration of the requisite standard of efficiency, I would prescribe a minimum of marks which must be obtained before a successful candidate can be declared eligible. I would not close the examination in England to Indians nor would I take away the listed appointments from officers of tried merit and ability in the Provincial Service, but with all these methods combined I should like the maximum of Indians in the Imperial service fixed at not more than 30 per cent.—perhaps only 25 for the present. Such an examination will give a great impetus to English education in the country, accelerate the levelling up of all Provinces to one standard, and afford an adequate opening to indigenous talent all over India, bring the administration closer to the governed, add much to the Indian sentiment of loyalty and patriotism, and finally, by adequately associating the Indians and the Europeans in the higher sphere of administration, will promote the development of the Indian Empire after the British model but in harmony with Indian sentiments and Indian ideals.

40240 (13). Do you recommend any separate method of recruitment for the Judicial Branch of the Indian Civil Service? If so, please describe the system that you would propose?—I would keep the present system of recruitment, subject to the conditions that the Civilian Judges should have a better legal training before they enter upon their duties. As to the recruitment from the Bar, there is one great danger. Lawyers who have distinguished themselves at the Bar would never care to accept a District Judgeship, and consequently the Service would be the receptacle of all briefless and disappointed members of the Bar who would prove inefficient public servants. Besides, the members of the Bar, though sometimes very successful as Judges, not infrequently lack in administrative power and in proper appreciation of the difficulties of the Executive. The first few years' training of an Indian Civil Servant in the Executive branch is absolutely necessary before he begins his judicial career.

40241 (14). Are you satisfied with the present definition of the term “Natives of India” in Section 6 of the Government of

India Act, 1870 (33 Vict., c. 3), as including “any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only,” irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully any proposals that you wish to make in regard to this matter?—The present definition it is difficult to improve upon.

40242 (15). If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—I am in favour of men who have finished their courses in a University and have preferably taken honours, instead of candidates of the normal school-leaving age. The maximum age may, however, be reduced to 23 years so as to have one year's probation in England and one year in India. The probation in India may be particularly confined to the study of Oriental languages and in England to the study of law and attendance in Law courts to be evidenced by the reporting of cases.

40243 (17). What is your opinion regarding the suitability of the recent recruits to the Indian Civil Service?—I have heard it said that the recent recruits to the Indian Civil Service compare unfavourably with the older sympathetic class of Haileybury officers. The Service is perhaps losing its attraction for English youths. The reasons are:—Increased cost of living in this country, economic causes, too many social calls on their purse, and spread of advanced ideas rendering the task of administration onerous.

40244 (18). What is the most suitable age at which junior Civilians should arrive in India?—The most suitable age at which junior Civilians should arrive in India is 24, but they should not begin service before 25.

40245 (19). What age limits for the open competitive examination in England would best suit candidates who are “Natives of India,” and for what reasons? Do you recommend any differentiation between the age limits for “Natives of India,” and for other natural-born subjects of His Majesty?—No differentiation in the age limits for the open competitive examination in England is necessary as between Natives of India and others. The age limit should be 22 to 24 as in the case of English candidates.

40246 (22). Is any differentiation in the subjects for the examination desirable between candidates who are “Natives of India” and other candidates? If so, please state them and give reasons?—No differentiation in the subjects for the examination is desirable

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between candidates who are Natives of India and other candidates.

40247 (37). Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess?—I venture to suggest that these inferior listed posts should be thrown open to the Provincial Service, but not merged into it, so that officers of merit and ability may be appointed to them as a preliminary step towards promotion to superior listed posts. This arrangement will also give an opportunity of weeding out those who ought not to rise higher.

40248 (38). Is the class of posts listed suitable? If not, in what directions would you suggest any changes and why?—The class of posts listed seems to be suitable. Further advance may be made in adding the following posts to that list, *viz.*, (i) Commissioner of a Division (at least one post), (ii) Secretary to Government (one post), (iii) Commissioner of Excise and Inspector-General of Registration, (iv) Director of Agriculture, (v) Registrar of Co-operative Credit Societies, (vi) Settlement Officers.

40249 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—In a system of competitive examination there cannot be any test of character, nor does character lend itself to any quantitative test. It can only be judged by prolonged and careful personal study, and the period of probation after competition can, in my opinion, be most suitably utilised for such a purpose. There should be no hesitancy, no sense of delicacy in weeding out a recruit who is found wanting in moral backbone and other moral qualities which are absolutely needed in an administrator. I have no experience of the way in which the recruits for the Indian Civil Service spend their probationary periods. Therefore all that I can say is that the course of probation should be so prescribed as to realise the object I have mentioned at the outset.

40250 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—In my opinion the probationer's course of instruction can best be spent in India.

40251 (57). If you have recommended the introduction of any scheme of direct recruitment in India for "Natives of India," whether in lieu of or supplementary to the system of recruitment in England, please state what system of probation you recommend for such officers?—I would recommend the same system of probation for these officers as for those recruited in England. I would afford the Indian recruits facilities for spending a year in England, but would not insist on

leaving it to the choice of the recruit himself. Any hard and fast rule in this respect may be resented by the vast orthodox Hindu community as an interference with their religion and is likely to create discontent among them.

40252 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—I cannot say whether there is any deterioration in the knowledge of Indian languages by the members of the Indian Civil Service, but I must say that the knowledge which they possess is generally speaking of the most superficial kind and must act as a great handicap to their ordinary work. It is not sufficient that they should be able to converse in Hindustani or in broken Ooriya or Bengali with their Indian servants. They must have a good grounding in the colloquial spoken in the villages and should also have intimate acquaintance with the literature of those languages, so that they can be conversant with Indian ideals and sentiments and can understand the currents and the under-currents of the Indian mind. I should think that Hindi is the most neglected vernacular language in this respect.

*Written answers relating to the Provincial Civil Service.*

(NOTE.—The answers relate to the Executive Branch only.)

40253 (1). Please refer to Government of India Resolution No. 1046-1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—I see nothing objectionable in the principle that the Local Government should have the power to make rules for the recruitment of the Provincial Civil Service without the previous sanction of the Government of India but subject to their general control. The general conditions laid down in the resolution referred to in the question appear to me to be suitable.

40254 (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—At present the service is recruited entirely by nomination. The candidates appear before a Conference of Collectors presided over by the Commissioner of the Division, and the Commissioner in consultation with the Collectors makes a final nomination, usually suggesting two names in the order of preference for each

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vacancy allotted to the Division, and in the ordinary course the vacancy goes to the first man in the list. This system does not afford sufficient opportunity for selecting the best candidate. The Conference has to go mainly by appearances. So far as I have been able to judge, the officers who entered the Service by competition are on the whole of superior calibre to those appointed under the present system. I would advocate recruitment by open competition, a certain percentage of the vacancies being reserved for nominated candidates in order to equalise the representation of all important communities in the Service. I would insist on the further condition that no recruit should be confirmed who during his period of probation has been found lacking in force of character and moral backbone. Direct appointments to the higher grade should as a rule be avoided.

40255 (7). To what extent are non-residents of the Province employed in your Provincial Civil Service? Do you consider that only residents of the Province should ordinarily be recruited?—Yes, only residents of the Province should ordinarily be recruited.

40256 (8). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—Please see my answer to question (6). The training of pro-

bationers in the Provincial Civil Service depends entirely on the Collector under whom they are placed. They are given the choice of their stations and it follows that in all cases they do not go to the best Collectors. Perhaps it would be an improvement for the Government to choose the station for a probationer's training, having due regard to the facilities that the work of a particular district will afford for the proper training of a recruit and also to the experience, tact and temperament of the District Officer concerned.

40257 (13). In particular, is the leave reserve adequate, and the system on which it is graded suitable?—The leave reserve does not seem to be adequate. Some discontent is felt owing to refusal of leave on urgent occasions due to want of substitutes.

40258 (15). What is the annual rate of recruitment and how is it fixed? Has it worked well in practice and does it secure an even flow of promotion?—The grading of the Service seems to be very defective. There is so much congestion in the sixth, fifth and fourth grades that an officer cannot always get over them even after putting in 25 years' service. In illustration of my observations, I beg to subjoin a statement embodying the total number of posts allotted to each grade and the names of the first two officers in each grade and the time that they have already spent in that grade.

Grade.	Number of appointments in the Grade.	Names of the first two officers in the Grade.	Date of first appointment as Deputy Collector.	Total length of service as Deputy Collector (to 8th February 1913).	Date of appointment to present grade.	Length of service in the present grade (to 8th February 1913).	REMARKS.
1st. Rs. 800 . . .	5	Walter Henry Thomson, B.A., I.S.O., J.P.	15th May 1880.	T. M. D. 32 8 23	9th October 1910.	2 3 0	On extension of service from 21st August 1911.
2nd. Rs. 700 . . .	7	Raj Mukund Deb Mukherjee, Bahadur, M.A. Sharat Chandra Chatterji, B.L.	23rd October 1880. 19th June 1884.	32 3 11 23 7 20	14th March 1911. 15th August 1909.	1 10 24 3 5 23	On extension of service from 11th May 1912.
3rd. Rs. 600 . . .	13	Nagendra Nath Gupta, B.A. H. H. Heard, J.P.	17th October 1881. 1st August 1884.	31 3 22 28 6 8	9th November 1910. 23rd October 1907.	2 3 0 5 3 16	
4th. Rs. 500 . . .	37	Alban McGavin, J.P. Abdul Samad, M.A.	7th April 1885. 24th January 1887.	27 10 0 26 0 15	6th March 1908. 13th June 1903.	4 11 12 0 7 25	
5th. Rs. 400 . . .	54	Surendra Nath Mozoomdar, B.A. Nagendra Nath Mitra, B.A.	26th November 1888. 31st January 1893.	24 2 13 20 0 8	9th March 1904. 5th February 1901.	8 11 1 0 0 3	
6th. Rs. 300 . . .	56	Sayad Abdul Malik, B.A. Sahibzada Wali Muhammad Sahn	21st February 1893. 8th July 1902.	19 11 17 10 7 0	19th March 1904. 1st May 1907.	8 11 1 5 9 7	
7th. Rs. 250 . . .	66	Cimru Chandra Mukherjee, B.A. A. F. L. Sharling . . . D. G. K. McGavin . . .	20th January 1903. 14th August 1906. 28th August 1905.	10 0 19 6 3 24 7 5 11	1st May 1907. 28th June 1911. 15th May 1900.	5 9 7 1 7 11 3 8 23	

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40259 (17). Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—The principle hitherto followed in making promotions beyond the fourth grade is selection by merit and not by mere seniority. Perhaps ordinary good work should suffice for ordinary grade promotions, special merit being rewarded by special posts.

40260 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—I have already made some observations with regard to the listed posts in reply to question (39) regarding the Indian Civil Service. The principle underlying the arrangement is very sound and should be further expanded. The District Officer to be selected from the Provincial Service should be caught young, say from the sixth and fifth grades, who should first be tried in the inferior posts as Assistant and Joint Magistrates and also as Under Secretary, and if found competent should be given the further step of the charge of a district. I have already stated elsewhere the class of posts that may be thrown open to the Service, and if any suggestion of a separate examination for groups of provinces for partial recruitment of the Indian Civil Service is not accepted, the alternative left will be to draw the Indian element for the Indian Civil Service mainly from the Provincial Service through the door of listed appointments. The vacancies should not be left open on the plea of want of suitable officers, but they should always be given to the best men available, in any case on probation, so as to give them a chance of proving their fitness and eligibility. The fact should not be overlooked that increase in responsibility and emoluments often draws out the latent capacity of a man, and I feel no doubt that with careful discrimination capable men can be selected from the service who will do full justice to the requirements of higher posts.

40261 (21). Are you satisfied with the present designation "the Provincial Civil Service"?—I am.

40262 (24). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—I would add a grade of Rs. 1,000 with 5 per cent. of appointments, and revise the numbers in all the grades in such a manner as to remove the congestion in the sixth, fifth and the fourth grades and to ensure promotion to the Rs. 800 grade on the completion of 25 years' service.

It would simplify matters to have some sort of a time-scale, but the greatest drawback to such a proposal is that it will stand in the way of weeding out the inefficient and might set a premium on easy-going laziness.

40263 (25). Are you satisfied with the present system under which officiating promotions are not made in the Provincial Civil Service? If not, what alteration do you recommend?—The present system under which officiating promotions are not made in the Provincial Service is a source of great disappointment to the members. The ordinary emoluments of the Service are not adequate to meet the present-day requirements of the position the members have to maintain. The cost and the standard of living are going up by leaps and bounds and an officer up to the fifth grade generally lives from hand to mouth. Officiating promotions may go some way to relieve this pressure. I would also recommend special allowances for the posts of Sub-Divisional Officers and Personal Assistants to Commissioners because of the increased expenses they involve in consequence of the higher style of living expected of such officers.

40264 (30). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—The two-thirds rate presses heavily on the occupants of the listed posts, and the position that they have to maintain, plus the calls made on their purse which they must meet in consequence of the peculiar social system obtaining in India, leave them nothing to lay by for the evening of their life. All things considered, the rates should not be below three-fourths if the distinction between the two classes of officers remains.

40265 (31). Is there any reason to suppose that officers of the Provincial Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?—I believe officers of the Provincial Civil Service generally take more leave than they did before. And this is, I think, largely due to improved communications and facilities for combination of different kinds of leave.

40266 (32). Is all the leave on full pay due to them ordinarily taken by officers of the Provincial Civil Service, and, if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?—(i) All the leave due on full pay is ordinarily taken by most of the officers. It is only those stationed at healthy places and holding special appointments which carry increased emoluments in the shape of local allowances, who do not like to take any kind of leave for fear of transfer and loss of their local allowances. (ii) I have nothing to say against the amount of privilege leave "earned"

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under the present rules. (iii) No answer necessary.

40267 (33). Is all the furlough due to them ordinarily taken by officers of the Provincial Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?—

(i) Furlough "due" is seldom taken by the officers of the Provincial Civil Service as pure and simple holidays on account of the reduced allowances that it entails. It is mostly on grounds of health that furlough is usually sought and there should be adequate provision for this purpose. (ii) In my opinion it is necessary to allow for more furlough than is admissible under the present rules. I should think that the amount of furlough "earned" by an officer should be at the rate of one-tenth of his active service and the whole of it should count towards service for pension, and the present rule laying down a period of two years as the maximum amount of furlough admissible in an officer's whole service should be repealed.

40268 (34). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—I have nothing to say against the present rates of furlough allowances.

40269 (35). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable?—I do.

40270 (36). Have you any recommendations to make in regard to special leave, extraordinary leave without allowances, and other form of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—(i) A provision for the grant of special furlough for a period not exceeding six months in an officer's whole service when no furlough is due to him will be a most welcome concession to the Service and much appreciated. I have nothing else to suggest. (ii) Generally they are.

40271 (37). Generally speaking, do any of the present leave rules applicable to the Provincial Civil Service cause inconvenience to the Administration, and, if so, what, and what remedy do you suggest?—I do not think the present leave rules cause any appreciable inconvenience to the Administration. To a certain extent they are of course responsible for a break in the continuity of the Administration due to the transfer of old officers on the expiry of their leave. The difficulty might be met by having a few supernumerary officers in each Division to fill up leave vacancies.

40272 (38). In particular, are they a contributory cause of excessive transfers of officers and, if so, how can this difficulty be met?—To some extent; see answer to question (37).

40273 (39). Do any of the present leave rules press hardly in any way on officers of the Provincial Civil Service, and, if so, in what respect? What is, in your opinion, the appropriate remedy? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—(i) There is a lot of undesirable restric-

tions and conditions imposed by the present rules on the grant of privilege leave and furlough, on their combination, and also on their combination with other kinds of leave which press somewhat hard on the officers. For instance, an officer cannot have a title to furlough until he has rendered service for ten years; the privilege leave earned by an officer will not be admissible to him unless there has been a lapse of an interval of six months since his last return to duty; the minimum limit of combined leave shall be a period of six months, and taking combined leave for a shorter period shall affect the allowances and the like. There is further an order of Government requiring the officers to give three months' previous notice of their intention to take leave which stands in many cases in the way of their getting leave in times of necessity. All these restrictions should be removed and the amount of privilege leave and furlough earned by an officer should be made available to him at the shortest possible notice subject to no condition other than the exigencies of the public service. (ii) I am not in a position to say as to whether the existing differences between the leave rules for the "European" and "Indian" services are suitable. But I must acknowledge that in the matter of leave European officers, who are not domiciled in this country, stand on a different footing from the Indian. They require special long leave for going home.

40274 (40). Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?—In principle, I consider it quite satisfactory.

40275 (41). Have you any suggestions to make in favour of any modifications in its detailed working, and, if so, what, and for what reasons?—Retirement should as a rule be enforced after the attainment of 55 years of age, but exceptional cases may be treated differently on their merits.

40276 (42). Do you approve of the grant of reduced pensions for such officers as may be found to be inefficient but whom it may be difficult to retire without some provision for their subsistence? If so, what do you suggest?—I do. Some provision may be made for granting reduced pensions to officers who may become inefficient either owing to illness or any other cause.

40277 (43). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Service holding listed posts? If not, what do you suggest?—I think the pension should not be less than Rs. 600 a month.

40278 (44). Do you consider that the existing rules governing the voluntary and compulsory retirement of members of the Provincial Civil Service are satisfactory? If not, what changes do you recommend?—An officer may be given the option of retiring on full pension after 25 years. The element of compulsion should only come in on the attainment of 55 years of age.

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[ continued.

40279 (45). To what extent do members of the Provincial Civil Service subscribe for the benefit of their families to the Government General Provident Fund, or to other official or officially recognised funds? Are any further facilities required, and what arrangements of this kind do you consider to be necessary?—Any scheme whereby the wife and family of a

deceased officer may be able to draw a small pension during the lifetime of the widow or until the eldest son comes of age will be welcomed as a great boon, but I am unable to work out the details and judge the financial effects of any such proposal. In any case subscription to the Provident Fund may be made compulsory for all married officers.

PANDIT RAMA BALLABH MISRA called and examined.

40280. (*Chairman.*) You are holder of a listed post as Collector of Puri?—I am.

40281. How long have you occupied that position?—I have been Collector of Puri for just over a year, but I have held listed appointments for about seven years.

40282. Where were you before?—I was first appointed as Junior Secretary to the Board of Revenue in Bengal and after that I was appointed Collector of Birbhum, and for a few weeks I had to revert as Sub-divisional Officer of Kendrapara. Then I was again appointed to Birbhum, and from there I was transferred to Puri as Collector.

40283. How old were you when you were promoted to the position of a listed post?—About thirty-five.

40284. You attained the position earlier than usual?—Yes.

40285. You put in the forefront of your proposals the necessity for recognising the political side of the question in the investigation with regard to the addition of Indians to the Service?—I have done so, because I think there is some discontent about it.

40286. What you ask for is the recognition of the claim of loyal Indians to serve their country in the higher posts?—Yes.

40287. You say they need only to be of a sufficient standard of efficiency to run an average Indian district?—I do not want the most brilliant men the world can produce for running an average Indian district.

40288. But you want a good, high average and an officer who has been imbued with British methods of administration?—Exactly.

40289. You approve of the principle of simultaneous examinations?—I do, as a very distant goal; not now.

40290. Looking at it from a practical point of view, you would be content to keep open the competition in England for Indians and to supplement that form of entry by an examination in India for a certain number of Indians?—Yes, taking provinces in groups.

40291. Would your examination for India be of the same standard, or approximating to the same standard, as the open competition in England?—Yes; I have said it should be as stiff as at home.

40292. Would the subjects correspond with those subjects in the Home examination or would you have subjects more suitable to Indian education?—Generally speaking I think the subjects

should be the same, but there might be some differences.

40293. You would have certain optional subjects?—Yes.

40294. Would you suggest that this examination should be conducted by the Civil Service Commissioners?—I have not thought of it, but I would not object to that.

40295. What proportion would you propose to recruit by this examination?—I have said that the maximum in my opinion should be 30 per cent. of the Indian element, because I want to maintain the British element in the Indian Civil Service. Then I said that Provincial Servants of tried merit and ability should have some listed posts, and combined with all these methods I have said that the proportion should be 30 per cent., and I should be content with 25 per cent. for the present.

40296. I understand you would regard this examination as supplementary to the other forms of entry, to make up the deficiency in the number of Indians entering the Service in other ways?—That is one of the grounds why I have suggested it.

40297. You lay stress on providing these recruits with facilities for spending a probationary period in England?—Yes. I would not insist upon it, but I would give them facilities.

40298. Do you not think it is very important that such candidates should have an English University training, the same as the candidates who enter by the London door?—I should think the training they receive in India is quite sufficient to run an Indian district.

40299. But the candidates that you are dealing with in this proposal will be members of the Indian Civil Service, will they not?—Yes, and at the same time they will be the finished products of the Indian Universities.

40300. Do you think they will be of the same standard of efficiency, and be regarded as of that standard if they continue their probation out here and do not go to England?—Efficiency is a relative term, but I say that from the point of view of Indian administration they will be as efficient as any gentleman educated in Europe.

40301. I will put it in this way. Would you consider that that English tone which you regard as important could be realised to an effective extent unless these candidates passed a probationary period in England?—I think it will be effective to the extent which is required for running an Indian district.

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40302. Do you think there is any considerable number of Indians so far advanced in their studies as to be likely to pass such an examination as you propose?—There are some, but not very many. I believe a sufficient number would be forthcoming to obtain high positions in that examination.

40303. Do you think that those who pass successfully will be likely to neglect the advantage of going to England for a probation?—There would be a certain proportion who would go to England, but all of them would not.

40304. In your answer to question (13) you say that the first few years' training of an Indian Civil Servant in the Executive Branch is necessary before he begins his Judicial career. What advantage does he obtain from that?—He obtains an insight into the Executive Administration of the province, and he can very well appreciate the difficulties of the Executive.

40305. You appear to be rather apprehensive of getting suitable recruits for the Judiciary from the Bar. Do you think that there are members of the Bar who would be likely to avail themselves of the opportunity if it were presented—members of standing?—What I am afraid of is that members of standing might refuse, because their emoluments as members of the Bar would be greater than the emoluments of the District Judge, and we shall have to fall back upon members of lesser standing at the Bar, who will not prove efficient.

40306. In answer to question (17) you say that the Indian Civil Service is perhaps losing its attraction to English youths?—I have some apprehensions of that kind, because the administration is becoming more and more difficult, and living is more expensive, and the social calls on the purse of the Civil Servant, so far as I have been able to judge, are too many.

40307. Do you think that it is due to block in promotion and consequent inadequacy of pay?—I have heard it said that there is a great block in substantive promotion in the Indian Civil Service.

40308. Would you be prepared to favour an increase of emoluments and better grading in order to advance that attraction?—I would.

40309. You say you would like to see a time-scale, but that you are afraid the institution of one might set a premium on easy-going laziness?—That is my opinion.

40310. Do you think that if what is called a compartment system, by which after Rs. 500 the officer would be promoted into the higher grades by selection, was adopted, that would remove that danger?—I think I have said somewhere that up to Rs. 600 we should be guided mostly by seniority and approved service, and that beyond Rs. 600 I would not be averse to introducing the element of selection.

40311. So that you practically agree with the idea of a time-scale in compartments up to a point, and selection beyond it?—Yes.

40312. In answer to question (25) you ask for special allowances for the posts of Sub-divisional Officer and Personal Assistant; what sort of allowances would you suggest?—At least Rs. 100 per month, if not more, because these officers have to maintain a special style of living, and they also have to do some entertaining within their own circle, more than any other member of the Provincial Service.

40313. Do you think that officers are being overworked?—I think every officer in the Administration is at present overworked, including Indian Civilians, Provincial officers, and Munsifs.

40314. Where would you say the heaviest work falls at present?—I do not know. Perhaps I may be doing injustice to the Judicial Service if I say it falls more on the Executive Service, but their work is of a different nature. I think the members of the Judicial Service have to spend a good deal of time in recording depositions and writing judgments and they have to sit late hours. Members of the Executive Service have a different sort of work and they are overworked.

40315. Then you consider the cadre of both Services is inadequate?—I think so.

40316. You would like to see an additional staff?—I should like to see the staff increased, both Executive and Judicial.

40317. You do not refer to it in your written answers, but I should like to hear your opinion on the claim that is being made by witnesses that the Sub-Deputy Collector should be incorporated in the Provincial Civil Service?—There are two ways of looking at it. First, generally speaking, we select the same class of men for the Provincial Service that we select for the Subordinate Service; the line of distinction is very narrow, and from that standpoint both Services could be amalgamated. But then the practical question will arise as to whether the minimum pay to be given to a man to begin with in the Amalgamated Service should be Rs. 150. If it is Rs. 150, many good men will not accept any posts in the amalgamated Service, and on that account the Service will deteriorate. Therefore the only solution is to abolish the Subordinate Service and amalgamate the whole Service into the Provincial Executive Service, and begin with Rs. 200 or Rs. 250.

40318. With one or two lower grades?—The existing Sub-Deputy Collectors and Deputy Collectors to be combined into one Service, beginning with at least Rs. 200, if not Rs. 250.

40319. You would call them all Deputy Collectors?—They will all be called Deputy Collectors and the class of Sub-Deputy Collectors will disappear altogether.

40320. Are many of the Sub-Deputy Collectors doing the same work as the Deputy Collectors?—Most of them.

40321. Then with regard to the Provident Fund, you suggest contribution to it should be made compulsory upon all married officers?—Yes.



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40322. Do you think that would be generally popular in the Service?—It will be very popular in the Service.

40323. Have you any idea what proportion of officers now contribute towards that fund?—At least 70 per cent., if not more.

40324. You would like to see it obligatory on all?—Yes.

40325. (Sir Murray Hammick.) Are you a Brahman?—I am.

40326. What part of the world do you come from?—I come from this part of the world and my district is Gya. I am a Bihari Brahman.

40327. Do you think that there are still a great many families of your own caste who would object to their children going to England?—A very large number.

40328. They would have a very strong objection?—A very strong objection.

40329. And even if they were given appointments in the Service, and then told that it was a condition that they should go to England, do you think there are a good many people who would refuse?—A very large percentage would refuse to go to England under those terms.

40330. As regards the Provincial Service, you advocate recruitment by open competition, a certain percentage of vacancies being left for nominated candidates?—Yes.

40331. Do you think it would be possible, instead of an open competition, to select these candidates on their University class lists, taking, say, the upper ones from the University class lists for a certain year and offering them appointments? Would that be a way which would be in some manner better than competition?—It is a very difficult question to answer, because in the competitive examination we may be able to introduce subjects which are not taught in the University, or which are not given so much prominence in a University examination. I should rather prefer a separate competitive examination.

40332. You would only make arrangements for getting in other communities by the system of a small percentage being nominated?—Yes, in order to equalise the differences between important communities, if any.

40333. With regard to the listed posts, supposing it was recommended as a method of increasing the number of Indian Civil Service Indians that the listed posts should be extended considerably, would you see any objection to an arrangement under which the listed posts were filled not by the senior members of the Provincial Service but by the more junior members of the Service, who had undergone a period of trial in the Provincial Service for five or six years and then were put straight into the Indian Civil Service cadre as Sub-divisional Officers, Joint Magistrates, and given their full rights as members of the Indian Civil Service?—I have said in my answer that the Collector should be caught young for the Provincial Civil Service, and I have also said that the inferior listed posts, which are now merged in the Provincial Civil Service cadre, should be

separated, and the officers specially selected should be given those inferior listed posts first as a trial, and afterwards should be promoted to Collectorships. That answer of mine is exactly the same as the suggestion you have just made.

40334. Is not that going back to the Statutory Service that existed some years ago?—I have a very vague conception of what the Statutory Civil Service was like and how it was recruited.

40335. The Statutory Service put certain men into the Civil Service straight off as Assistant Collectors, which is very much what you intend to do. Do you know enough of that Statutory Service to say whether the objections which were held to it were not rather objections that the wrong men were put in than objections to the system itself?—I do not know enough about the Statutory Service to be able to answer the question.

40336. With regard to the Sub-Deputy Collectors, have you not certain classes of work which are done by these Sub-Deputy Collectors which do not require the intellectual capacity that is required for Deputy Collectors; I mean work like the supervision of outdoor accounts, work which requires a great deal of travelling and trust and confidence in the honesty of the servant, rather than any great amount of intellect?—Sub-Deputy Collectors do the same sort of work as the Deputy Collectors, and also sometimes the same sort of work as the Collectors, in the matter of inspection of accounts. The Collector goes out and takes the receipts from the ryots and sees that the accounts are properly kept. That is the sort of work for which a Sub-Deputy Collector is especially utilised, and the Deputy Collector and the Collector do the same work.

40337. Does the Deputy Collector go out and examine the receipts of those ryots and see whether they have been properly receipted?—He does.

40338. That is rather a waste of a good man, is it not?—I do not think so.

40339. Do you not think that a man who is honest, but at the same time not particularly brilliant, would be quite able to do that kind of work, provided the Deputy Collector came along at intervals and examined a percentage to see that he was doing his work properly?—There might be men in the Subordinate Service who are more brilliant University men than men in the Provincial Service.

40340. Do you not think it might be possible to have a certain number of appointments for that class of work, which does not require any very high intellectual attainments, but requires honesty and sense of duty? Would there not be enough appointments of that kind for a separate service, not so highly paid as Deputy Collectors, a service locally recruited from men who, although not so brilliant as the men in the present Deputy Collectors grade, would be at the same time efficient for this class of work?—That class of work can be entrusted to the junior members of the Provincial Service.



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40341. It is an expensive Service, and if you are going to make the Sub-Deputy Collectors Deputy Collectors you will add considerably to the expense of the Service. My suggestion is that you might have a cadre of 100 or 150 appointments from Rs. 100 to Rs. 200, recruited from a separate class, to do work which does not require the intellectual capacity that is required for the work that is done now by Deputy Collectors?—I quite see your point, but just at present the Sub-Deputy Collectors are paid a low pay and are doing the same work practically as the Deputy Collectors are doing, and doing it honestly, so that Government is getting honest work done at a cheap cost. There is a good deal of discontent in that Service.

40342. But the discontent arises because you try and recruit the very same class of men into the Sub-Deputy Collectors as would, if they had luck, get into the Deputy Collectors. Therefore they are discontented. But if you had a locally recruited Service recruited by the Commissioner in each division, not by the Government, and put them into a Service which ran from Rs. 100 to Rs. 200 or Rs. 250, you would get just as good a class of men to do the work at a cheaper rate, and get rid of the discontent which now exists among the Sub-Deputy Collectors?—I would not object to a small Service like that.

40343. Do you think from your experience of district life that you might be able to constitute a Service of that kind?—Yes.

40344. (*Mr. Chaubal.*) Have you worked as a District and Sessions Judge at any time?—No, but I am *ex officio* Sessions Judge in certain Native States adjoining my district.

40345. With regard to your opinion that you will not be able to secure good Barristers from the Bar, I suppose if the Chief Justice and Judges of the High Court recommend a man from their Bar as fit for carrying out the duties of a District and Sessions Judge you would consider their opinion to be of some importance, that they would not be likely to recommend a man who is not fit for a Judgeship?—In my opinion some training as Executive Officer is absolutely necessary before a man is placed in charge of a district as District Judge.

40346. Do you think that the High Court has no knowledge of what Judges are required to do?—I am not prepared to answer a question which reflects on the High Court.

40347. That is the point of view from which I wish you to look at it. Supposing the High Court recognise a man whom they have seen practising for ten years, and they say he is fit for the position and willing to take it, what would be the objection to recruiting some posts with men like that?—I have great respect for the judgment of the High Court and I do not think they would make a mistake.

40348. When you say that the men who make the largest incomes will not take a District and Sessions Judgeship, have you in your mind men of many years' standing?—Yes, I think a man

ought to be at the Bar for at least 15 to 20 years.

40349. The men at the top, making very large incomes, are men of what standing at the Bar?—I am afraid I do not know.

40350. You say that the men who are now at the top of the Bar and making large incomes will not take District and Sessions Judgeships?—That is so.

40351. Of how many years' standing are the men that you refer to?—No doubt more than twenty years.

40352. The same man who is now of twenty years' standing might have been willing to take up a District and Sessions Judgeship in the tenth or twelfth year of his practice. At that time he might be not able to make so much money, and it is not unreasonable to suppose that if a District and Sessions Judgeship were offered to such a man, with the prospect of getting a High Court Judgeship, a sufficiently capable man might be had from the Bar. I am not speaking of the total recruitment but only of some posts. Would you altogether exclude that source of recruitment?—Experience counts for much, and I do not think experience of less than twenty years' standing ought to make any man eligible for the post of District Judge, apart from any other objections.

40353. What use do you expect a District and Sessions Judge to make of his appreciation of the difficulties of the Executive. Supposing you were a District and Sessions Judge and had had experience of the difficulties of the Executive, and as a Judge you were called upon to decide a case upon the evidence which came before you, what use are you going to make of your Executive experience? You are able to appreciate what the difficulties of the Executive are, but how will that affect your judgment in the case?—I apprehend that men who have not had experience of the Executive generally start with a bias against the Executive and they look at the evidence from a biased point of view. That bias they will not entertain if they have themselves done the work of Executive officers.

40354. Can you tell me the way in which you will utilise your appreciation of the difficulties of the Executive in the actual trial of a case? For instance, a man is charged with an offence and a certain kind and amount of evidence is brought before you. It is a case worked by the Police and the Police bring forward evidence. As an Executive Officer you appreciate the difficulties of the Police; what use are you going to make of your appreciation of those difficulties in the conduct of the case before you?—You cannot reject that evidence as altogether useless because it has come from the Police.

40355. A Judge who has that appreciation will attach a higher value to that evidence which another man might consider insufficient?—I would not say higher, but he should attach the proper value to that evidence.

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40356. It becomes of proper value on account of his appreciation of the difficulties?—On account of his knowledge of the difficulties.

40357. (Mr. Fisher.) What was your University?—Calcutta.

40358. I suppose you had a good deal of experience of competitive examinations?—I had.

40359. Is it your experience that the young men who succeed most in these examinations do well in after-life?—Not always. In a large number of cases it would be found that those who have distinguished themselves in the University have also distinguished themselves in after-life.

40360. Would it be safe to assume that the most distinguished Pleaders and Barristers in Bengal are men who have distinguished themselves at the University?—I have not given much thought to that point and I have no statistical knowledge of it; but I should not be surprised if it came out that of those who have distinguished themselves at the University a large percentage have become distinguished at the Bar.

40361. I gather you are satisfied that the principle of the competitive examination works out well?—On the whole.

40362. It is a good test on the whole?—I cannot think of anything better.

40363. And you think in particular it has proved to be a good test in respect of the Provincial Civil Service?—Yes, on the whole.

40364. Better than the system of nomination?—Decidedly better than the system of nomination.

40365. How much experience have you of the results of competitive selection and of nominated selection in the Provincial Service?—I entered the Service about 1893 and after three or four years the competitive system was abolished. Since then I have seen both classes of officers, and I think on the whole the officers who entered by competitive examination are proving more fit and more efficient than those who were nominated.

40366. (Mr. Madge.) You attach great importance on political grounds to the demand of educated Indians for enlarged usefulness in the Civil Service?—I do.

40367. I quite agree with you, and I also agree with you that in the case of a first class man of high character and talent it is not absolutely necessary that he should go to England. I should like to understand whether we are quite agreed on something else. You say: "We do not want the most brilliant men the world can produce for administering the average district in India, which is usually peaceful and calm." Suppose you have a more brilliant man of another race than Indian and a less brilliant man who is an Indian, would you prefer the less brilliant man on the ground of your deference to political sentiment?—I would prefer the less brilliant man on two grounds: First on the ground of political sentiment, and secondly on the ground that he would be more efficient than say the more brilliant German.

40368. But supposing he is an Englishman?—Even an Englishman. An Englishman who comes straight from home without experience of India would be less useful as a public servant than an Indian recruited here in India.

40369. Do you think brilliance in itself connotes incapacity for governing or ruling?—I do not mean that. He may be brilliant in many ways; he may have a knowledge of Latin, German, and French; but he may know nothing about Indian life; and therefore he will not be so useful an administrator as a Native of India. You suppose of selecting the Indian on political grounds would satisfy the whole country as well as educated class?—An enlargement of the Indian element in the Service will satisfy the whole country.

40370. Is not the Government bound to appoint to all offices the best men they can find for the purpose?—Yes, commercially speaking the Government is bound to have the best material for the price they pay.

40371. Not merely commercially, but politically, morally, socially, and on all grounds, are not they bound to find the best man whether he be English or Indian?—In theory I should say yes.

40372. Who do you think should be the judge of the relative efficiency of the best candidate?—The responsible Government.

40373. (Mr. Abdur Rahim.) You are a lawyer?—No.

40374. Have you been a Judicial Officer?—I have done some Judicial work in the Executive Branch.

40375. Magisterial work?—Yes.

40376. Have you had Pleaders and Barristers appearing before you?—Yes.

40377. Do you find them of any assistance to you in the trial of cases?—Sometimes I do and sometimes I do not.

40378. Do you find yourself in a better position to try a Criminal case if you have no one appearing on either side?—I have had a good deal of Settlement experience in which I had to decide Settlement disputes in camp, and I always found the presence of lawyers a great hindrance. Direct dealing between the Settlement Officer and the people concerned facilitated matters and enabled the officer to arrive at the truth much more quickly and more effectively than with the help of Pleaders.

40379. Are Pleaders permitted to appear in those cases?—They are not absolutely prohibited but they are discouraged as much as possible.

40380. Would you like to see the same sort of procedure in the trial of Criminal cases?—I would not go so far as that. If I were trying on the spot I would go to that extent, but when trying Criminal cases within the four walls of a Court in a town matters are different. I cannot feel the pulse of the parties in the same way as I can when I am trying on the spot.

40381. Supposing the present system of trying cases within the four walls of the Court room

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is not changed, you would rather dispense with the assistance of Pleaders?—I wish I could.

40382. It is from that point of view I suppose that you say members of the Bar are not fitted to hold Judicial positions?—I have not said it from that point of view. I have given my reasons.

40383. Do you know the class of men called Government Pleaders and Public Prosecutors?—Yes.

40384. Do you consult them about a final appeal?—Yes.

40385. Or in instituting cases?—I have to consult them.

40386. You do not find it sufficient to rely on your own judgment?—No, because the Courts are so technical.

40387. That is to say, if Law exists, lawyers must exist?—In the present form of law, lawyers have to exist.

40388. And generally speaking they would be the best persons to administer the Law if they have a better knowledge of the Law than laymen?—For elucidation of purely technical matters, lawyers would be to a certain extent helpful.

40389. Whatever is legal is technical?—I do not look at it in that way. There are questions of fact and questions of Law, and sometimes they hinder the elucidation of questions of fact by putting forward one side of the question too much.

40390. Is there a question where you have not to apply the Law to facts?—I have first to ascertain the facts and then apply the Law to those facts.

40391. And to apply the Law you must know the Law?—Yes.

40392. And the man who knows the Law is generally the lawyer?—I think the man who administers the Law also knows something about it.

40393. But he has to learn it first?—He does learn it.

40394. By trying cases?—No, by passing his departmental examination in Law.

40395. Lawyers pass an examination and then practise Law for years?—An officer administers that Law for years.

40396. At the expense of litigants, is it not?—I would not say at the expense of litigants. It is the lawyers who practise at the expense of litigants.

40397. That is your view?—Yes.

40398. You have no experience of the profession yourself?—No; I have not had the honour of being a Pleader or a Barrister myself.

40399. (Sir Theodore Morison.) Would you mind explaining something in your answer to question (7), where you suggest a separate examination as stiff as that at home, not for each province but for groups of similar circumstanced provinces, each group having a chance by some method of rotation. I do not understand what you mean by rotation?—Let us have one group of very advanced provinces such as Bombay, Bengal, and Madras; let us have another group

of less advanced provinces like Bihar, the United Provinces, and the Punjab; and let us have a third group like Orissa, the Central Provinces and others; and let there be a rotation of three or four years, every group having a chance each year.

40400. That is to say in the second year the men will consist solely of men from Bihar, the United Provinces, and the Punjab?—I have not worked out the details very carefully, but that is the general outline.

40401. What would you think of the alternative of similar papers being set for all the different provinces, but the competition being in the groups you have suggested?—We will say you have 15 appointments and there might be five to each group, and in the second group, Bihar, the United Provinces, and the Punjab, would compete for five places?—I would not object to that.

40402. It has the advantage that you would not have, as it were, a swarm from one particular province thrown over the whole of India. Your particular proposal might result in 15 Biharis or Punjabis being scattered all over India one year, and next year a swarm of Madrasis or whatever it might be. Would you not attain the end you have in view equally well by a simultaneous examination for the whole of India, limiting competition within the group?—I think my object will be attained by the system you have suggested.

40403. (Mr. Maude.) You say that the men who were obtained in your time by competition were superior to those who have been recruited since by nomination?—Yes.

40404. At the time when you passed, the competition was open to people of any province?—I think it was confined to the Province of Bengal as then constituted.

40405. With reference to the question asked by Sir Murray Hammick, have you not a Service locally recruited underneath the Subordinate Executive Service?—Yes, called Kanungos.

40406. And they do the class of work to which you refer?—Yes, they do, but the Service is very small.

40407. (Mr. Hussain.) You said in answer to the Chairman that you have no objection to the introduction of a time-scale of pay to a certain extent, after which you say there ought to be a system of selection?—Yes.

40408. Supposing there was a time-scale of pay throughout, but that approved service should be the test, would you object to that proposal?—It depends on what you mean by approved service.

40409. If a man has certain bad reports against him for inefficiency, idleness, incapacity, or anything of that sort, he would not be entitled to participate in that particular year. If he is reported on favourably next year he would participate. If that system is adopted up to the higher grade, would you object to the time-scale of pay being applied throughout?—I should like to insert on a higher degree of efficiency in the higher Service.

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[concluded.]

40410. In that case the approval report would be more stringent. The officers would report on the approved service from year to year, and when an officer rose to a higher grade it would be for the District Officer to be a little more strict in his report than he would be in the lower grades?—That is all I want, that in the higher grades there should be a much higher standard applied with regard to approved service when promotion is being made.

40411. If we leave it to the discretion of the District Officer's report as to whether a man in the Service has sufficiently approved himself to entitle himself to promotion, you would have no objection to the application of that system throughout?—Subject to the condition that the degree of efficiency in the higher grades should be greater than it would be in the lower grades.

40412. That would be the instruction to the District Officer, that in reporting on the merits of the higher grades care should be taken to report from the point of view of a more rigorous test?—Subject to that condition I would not object.

40413. You say in your answer to question (13) that the leave reserve does not seem to be inadequate. I suppose you know instances in which officers of the Provincial Service have applied for leave and been denied it on the ground that substitutes were not available?—Many cases.

40414. You have proposed the merging of the Subordinate Service into the Provincial Civil Service?—I said something to that effect in answer to a question from the Chairman.

40415. But you have also said that there is a good deal of congestion in our Service. Do not you think if the Subordinate staff is absorbed within a few years into the higher grades, that will be sufficient to relieve congestion?—I think it would increase the congestion unless you add a larger number of posts to the higher grades.

40416. You said that the officers were overworked and that there should be an increase in the higher grades in order to relieve the block in promotion. Do you not think, if this staff of officers is gradually absorbed, there will be relief in two ways, namely, discontent would be relieved and the officers would get promotion, and at the same time the congestion of work would be considerably relieved?—I think the members of the Subordinate Civil Service are equally overworked, so that the addition of that Service to the Provincial Service will not relieve any congestion of work.

40417. Will you still have the recruitment of the Subordinate Service after they had been absorbed?—No. I should like the number of the amalgamated Service to be increased in order to relieve the present congestion of work.

40418. You want a further increase in addition to these men?—I do.

40419. Then you will not have the Sub-Deputy Collector?—No. Once they are absorbed into the amalgamated Service I would not recruit them at all, except for the small service to do the class of work which Kanungos are doing.

40420. You want an increased number of Kanungos?—Yes, for that amount of unimportant work which the Sub-Deputy Collectors are doing at present.

40421. (Mr. Datta.) Is it not primarily requisite in a Judge to ascertain facts correctly and then apply the law?—Certainly.

40422. A Judge ought to be trained to ascertain which facts are true and which facts are untrue?—Certainly.

40423. Deputy Magistrates and Munsifs get the training to determine what sets of facts are true, do they not?—Yes.

40424. Would they not become better Judges as District Judges than men from the Bar who have no training in determining what facts are true and what are not? They always take a one-sided view?—Certainly.

40425. Is that another argument why recruitment should not be made from the Bar?—Yes.

40426. If recruitment be made from the Bar should not it be to the lowest rung of the ladder?—Just as it is at present.

40427. You are not attached to the Judicial Service, but you probably know that Munsifs and Deputy Magistrates find great difficulty in getting a suitable house?—Very great difficulty in any place.

40428. Is it not the duty of the Government to provide a suitable house for them?—I do not know that it is the duty; it would be very kind of the Government.

40429. But you think it ought to be done?—It ought to be done if possible.

40430. You are one of the listed officers?—Yes.

40431. You are a District Magistrate?—Yes.

40432. What is the pay for third grade District Magistrate listed officers?—Rs. 1,000.

40433. And the Deputy Magistrate's pay is what?—Rs. 800.

40434. Do you not think he is worse off financially than a first grade Deputy Magistrate?—Undoubtedly.

40435. Because he has to live in a house and keep up the prestige of a Magistrate?—Yes.

40436. And the same thing applies to the District Judge over the first grade Subordinate Judge?—Yes.

(The witness withdrew.)

MAZHARUL HAQUE, ESQ., Barrister-at-Law.

*Written answers relating to the Indian Civil Service.*

40437 (1). What is your experience of the working of the present system of recruitment by

open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I consider the system of recruitment by open competitive examination as sound in principle, but I do not

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accept the present system under which it is held only in England as satisfactory.

40438 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—The present system is faulty, inasmuch as it has the effect of practically excluding Indians from their proper and legitimate share in the Civil Service. Many of the most intellectual and capable Indians who would have made ideal servants of the King are shut out from competing, because they are either too poor to bear the heavy expense of education and residence in England, or are not willing to undergo the trouble and the expense on the off-chance of being successful. The system has perpetuated a glaring injustice and created racial distinction which has caused much dissatisfaction in the country. I would suggest that examinations be held simultaneously in England and in India.

40439 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—No. I have already suggested that the remedy lies in simultaneous examinations.

40440 (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons.—The combination is certainly to the advantage of Indian interest, as India has the chance of securing some of the best men from England and the colonies. It has the further advantage, although theoretical, of giving a chance to Indians of joining the Home and Colonial Services. Nevertheless, on political grounds, so long as the colonies do not treat Indians with fairness and justice, I would forego these advantages and exclude the Colonials from the Indian Civil Service. I am of opinion that the combination of the Home and Indian Civil Services should be retained.

40441 (5). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose?—[vide answer to question No. (2).]

40442 (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—Yes. I strongly support the system.

40443 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—I do not favour any such scheme.

40444 (8). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for admission to the Indian Civil Service by means of (a) nomination, (b) combined nomination and

examination, or (c) any other method? If so describe fully what system you would recommend. In particular do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?—I have already said that I am a strong advocate of the system of simultaneous examinations and therefore need not reply to this question, but as a great principle is involved in the latter part of the question I should like to give my views in some detail. The question of the representation of the different classes and communities in the Public Services of India closely touches the interests of the Muslim community to which I have the honour to belong. Personally I have always been strongly of opinion that in the recruitment of all services, Government should be guided by one principle only, and that is the principle of efficiency. Any other consideration such as that of caste, class or creed should never be taken into account. Appointments based upon such considerations have produced great bitterness between the different communities of India, and widened the gulf between them. The most mischievous result of the system is that the Government in spite of good intentions get—I confess most unjustly—all the blame and are charged with showing favouritism to a particular community. Whenever a member of a certain community is fortunate enough to secure a post, on other grounds than that of merit, the other communities raise their voice in protest, and a very undesirable controversy is carried on in the papers. Again, the members of the community securing the post get the utterly unjustifiable notion that they are the favoured ones. Their unwholesome appetite for more posts increases and their disappointment at not securing them is proportionately great. The system of nomination has greatly demoralized my community. Instead of having prepared themselves for competing on equal terms with their brethren of the other communities, they have relied solely upon official favour. But I am glad to say that of late there has been a great awakening amongst the Mussalmans as in other communities of India, and now they fully realize that the system of nomination upon which they have relied up to this time has not been in the best interests of the community as a whole. Henceforth their attempt will most certainly lie in the direction of equipping themselves intellectually and competing successfully with the other communities. Education has advanced greatly, and now there is no paucity of educated Mussalmans who are sure to come out successful in any fair competition. There is another and a very important side of this question from the Muhammadan point of view, which should not be ignored. In numerical strength they are inferior to the Hindus, and under the system of nomination they cannot expect to secure more posts than they are numerically entitled to. Government cannot afford to give them more and thereby offend the feelings of the Hindus. The natural result would be that in some provinces, such as in my own province of Bihar, they will be simply nowhere. Under the system of open competitive examination they can secure as many places as they make themselves fit for and no one

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can justly raise any objection. In my opinion, the remedy lies not in nominating members of backward communities to posts of trust and responsibility, but in helping them to raise their status in education and general culture, so that they may be able to compete on equal terms with their more advanced brethren. The system of nomination is not only unjust to the members of progressive communities but it is unfair to those who are backward. In the one case the just reward of progress is withheld, while in the other the incentive to self-improvement is taken away.

40445 (9). If you are in favour of a system for the part recruitment of the Indian Civil Service by Natives of India in India, do you consider that "Natives of India" should still be eligible for appointment in England?—Yes. I may say that I would make others than "Natives of India" also eligible for appointment in India.

40446 (10). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?—No.

40447 (11). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system which you would propose?—Yes. I am entirely opposed to the recruitment of the Indian judiciary from the members of the Indian Civil Service. I would separate the Judicial from the Executive branch absolutely. To my mind the combination of the two has been the fruitful source of much discontent in the country. I go further, and I say deliberately, having full personal knowledge of the subject, that in the system there is hidden the seed of great political danger in the very near future. People are not satisfied with the administration of Criminal Justice. Here I should like to guard myself by saying that my experience is confined to the Province of Bihar and a few eastern districts of the United Provinces, and I am not in a position to say with confidence as regards other parts of India, but from what I have heard, my remarks apply equally well to the whole country. The system bears on the very face of it the stamp of immorality, because after all what does it come to? It comes to this, that the judicial powers of the executive officers are held in *terrorem* over the people. In other words, if a man incurs the displeasure of a certain official he is in fear that the machinery of the courts will be moved against him. This state of things can only be tolerated in the early stages of a society in which the ideas of right and wrong are not fully developed, but with the advance of civilization the system is sure to be resented. Under the fostering care of British rule, the Indian people are advancing by leaps and bounds and the idea of justice on British lines is spreading fast amongst the masses. From the very commencement of the British rule administration of justice has been based and worked upon the lines

and methods prevailing in England. Procedure is the same, and the Law of Evidence is the same. It has become a matter of instinct with the people that justice will be administered on British lines. Indian Barristers are educated in the British Inns of Court and trained in British law courts. Vakils get similar education and training. With the rapid progress of the country these ideas are sure to extend to those communities who are not already affected by them. It is neither possible nor desirable to turn back and introduce any new system of a primitive kind with rough-and-ready methods of dealing justice. To my mind the separation of judicial and executive functions is the most urgent and pressing reform which is required for the orderly administration of the country. I would suggest that the judicial services should be recruited from the practising members of the Bar. The posts of District and Sessions Judges should be filled up by Barristers and Vakils of at least ten years' standing and also by promotion from the rank of Subordinate Judges; while the posts of Magistrates, Deputy Magistrates and Munsifs should be amalgamated under a fresh designation and recruited from the junior members of the legal profession. If this simple scheme be not considered feasible for the present then I would, as an alternative, suggest that the District and Sessions Judges should be recruited in equal numbers from amongst the members of the Civil Service, from the members of the legal profession and from the Subordinate Judges. The members of the Civil Service should elect immediately after their passing the competitive examination to enter the judicial line and be trained with this object both in England and in India, before they are entrusted with any case-work. Under the present system an officer who has never tried even a petty money-suit in his life is, the moment he is translated to the post of a District Judge, called upon to adjudicate upon highly technical and complicated law points which usually arise in Civil cases and sits in appeal over the decisions of experienced Subordinate Judges. The result is a lamentable failure of justice and the consequent discontent of the litigants. The system is unfair to the people and unfair to the officer. It is unfair to the people because it denies them justice. It is unfair to the officer because through no fault of his, he is forced to commit injustice. It is also very expensive and uneconomical. High salaries are paid at an advanced period of service, for learning work which ought to have been learnt at the very commencement of the officer's career.

40448 (12). Are you satisfied with the present statutory definition of the term "Natives of India" in section 6 of the Government of India Acts, 1870 (38 Viet. c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter.—I would exclude persons of unmixed European descent from the definition.

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40449 (13). If the system of recruitment by open competitive examination in England is retained, state the age-limits that you recommend for candidates at such examination, giving your reasons?—I would recommend 21–23 as the most suitable age for both Europeans and Indians. This age-limit will secure candidates of sufficiently mature age, who would realize and understand the great responsibilities of the high position in which they will be placed on their arrival in India. It is not too high to make them incapable of receiving new ideas and accommodating themselves to their new and entirely strange surroundings. If any candidate is so unfortunate as not to be able to compete successfully, he would be in a position to try other walks of life where with the help of the high education that he has already received, he would be sure of earning a decent living.

40450 (14). What in your opinion is the most suitable age at which junior civilians recruited in England should commence their official duties in India?—25.

40451 (15). What age-limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age-limits for Natives of India, and for other natural-born subjects of His Majesty?—I recommend no differentiation at all. The age-limit should be the same for all and that is 21–23.

40452 (16). What alterations, if any, do you recommend in the authorised syllabus of subjects and marks prescribed for the open competitive examination?—I recommend that marks assigned for Arabic and Sanskrit be the same as for Greek and Latin. Persian and Pali should be added to the syllabus and classed among the modern languages with the same maximum of marks.

40453 (17). Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons?—No.

40454 (18). Do you consider it necessary that certain posts should be reserved by Statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons?—No.

40455 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?—Certainly not. We are all “equal subjects” of His Majesty and I do not see any reason why any invidious distinction should be made between the different classes of His Majesty’s subjects. Let the most efficient and capable men of the Empire serve their King to the best of their ability, and let not the “Natives of India” be debarred from any post, on the sole ground that they are “Natives of India.”

40456 (20). Do you accept as generally satisfactory in principle the present system under

which Natives of India are recruited for posts in the Indian Civil Service cadre partly through the medium of an open competitive examination in England, and partly by special arrangement in India?—No. I have already given my reasons in answer to previous question.

40457 (21). Do you consider that the old system of appointment of “Statutory Civilians” under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—No.

40458 (22). If the system of recruiting military officers in India for posts in the Indian Civil Service cadre has been stopped or has never existed in your Province would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent, in your opinion, should it be adopted?—I would not advise re-introduction of any such system. My Province is far too advanced for it.

40459 (23). Do you consider that such a system should be restricted to the recruitment of military officers, or extended to the recruitment of selected officers from other Indian services?—The system should not be extended at all.

40460 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?—If my scheme as outlined in my answer to question (12) be accepted there will be no necessity for listed posts in the Judicial Service. Subordinate Judges in certain proportions will be promoted as a matter of right. As to the executive posts, I would like to see as many of these as is considered consistent with good and efficient administration, to be thrown open to the members of the Provincial Civil Service.

40461 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one quarter of the listed posts?—No. (*Vide* my answer to the previous question.)

40462 (26). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—No.

40463 (27). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—No. I would recommend that at least one-third of the Collectorships, one Commissionership and the posts of at least one Secretary to the Local Government be thrown open for the members of the Provincial Civil Service.

40464 (28). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the Service?—Yes.

40465 (30). If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?—In my opinion the period of probation should be at least 2 years, and, if possible, it should be spent at an English University. The course of study



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should be of special kind so as to fit the candidates for the particular duties and kind of work which they will be called upon to perform in India. I would insist upon a full knowledge of Indian History of the different periods. As regards Muhammadan History I would not confine it to India but to Mussalman History in general. It is impossible for any one to enter fully into and understand Muhammadan view of any question who is not thoroughly conversant with Islamic history. A knowledge of Indian ethnology and folklore is also indispensable. I lay great stress upon learning the manners and customs of the people, as I have known serious mistakes having been committed by able and popular officers because of their ignorance of the ordinary and every-day manners and customs of the people. I have also known lamentable failures of justice, at the hands of some of the most conscientious Judges, on account of this ignorance. Some of the Indian customs are diametrically opposed to European customs and their natural observance on the part of the Indians and their equally natural breach on the part of the Europeans creates unfortunate frictions which in the interest of Government and people should be avoided. A knowledge of Indian Law must be made obligatory. If members of the Civil Service are appointed to judicial posts it will be very helpful to them if they are encouraged to appear at the Bar Examinations in England, take notes in British Courts and read in Barristers' chambers.

40466 (31). Do you consider that any differentiation is necessary between the course of study for probationers who are Natives of India and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—Only this much that non-Indians should be made to learn the vernacular of the Province to which they will be attached.

40467 (32). Do you consider that the probationer's course of instruction could best be spent in England or in India? Is your answer equally applicable to the case of Natives of India and of other natural-born subjects of His Majesty?—I consider that the probationer's course whether he is covered by the definition "Natives of India" or not should be spent in England and in no case in India. The only differentiation that I would make is that those who are not "Natives of India" should spend another year of probation in India. This should be spent under the guidance of selected senior officers who have the reputation of being liberal-minded and sympathetic towards Indians, also in mixing with Indian gentlemen of position and influence and generally learning the manners and customs of the people at first hand. They should also attend courts, observe the procedure and take notes of cases.

40468 (33). Do you think it desirable to start, at some suitable place in India, a college for the training of probationers of the Indian Civil Service, and possibly of other Indian Services recruited in England?—No. I attach more importance to actual practical work than to theoretical training.

40469 (34). Do you think it desirable that each Provincial Government should arrange for

the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—No.

40470 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—No. I have indicated the direction in which changes are required in reply to question No. (32).

40471 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—As I have never spoken to a member of the Indian Civil Service in any other language than English, I am not in a position to answer this question from my personal knowledge, but I have heard that their knowledge of the vernaculars has deteriorated of late, and they make some startling blunders in conversing with Indian gentlemen. The best remedy lies in frequent intercourse with Indians of position and influence and a grounding in the vernaculars.

40472 (37). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial Branch?—I have already expressed my views in my answer to question (32).

40473 (42). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals?—No.

40474 (45). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—Yes. The exchange compensation allowance should be abolished in all cases.

40475 (46). If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the service who now draw no exchange compensation allowance?—I do not recommend any increase of salary.

40476 (47). Turning now to the case of the Statutory Civilian and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the service?—I would make no distinction



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between the salary of officers whether they are members of the Civil Service, Statutory Civilians or officers of the Provincial Civil Service holding listed posts. The reduction of salary is a mark of inferiority which should not be allowed in high posts.

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40477 (51). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—Yes. I consider the conditions suitable.

40478 (52). In particular, are the rules for the recruitment of the Provincial Civil Service in force in your province suitable, or have you any recommendations to make for their alteration?—For the Judicial Branch of the Provincial Civil Service I would retain the present method of selection by the High Court, but for the Executive Branch I would recommend recruitment by means of competitive examination.

40479 (53). Do you consider that recruitment for a Provincial Civil Service should ordinarily be restricted to residents of the province to which it belongs?—Yes.

MR. MAZHARUL HAQUE called and examined.

40484. (Chairman.) You are a Barrister at Law and you were formerly a Member of the Viceroy's Council?—Yes.

40485. What other public positions have you filled or do you fill now?—I was a member of a Municipality for some years and also Vice-Chairman for a certain number of years. I acted as a Munsif in Oudh for four years. I am President of the Congress Committee here, and I was Secretary to the Bihar Moslem League, and so on.

40486. You consider that the present system of recruitment by open competition in England has "perpetuated a glaring injustice and created a racial distinction which has caused much dissatisfaction in the country." Your objection is based, I understand, on the trouble and expence of going to England?—Quite so.

40487. Is there anything in the examination itself to which you take objection?—I have said something with regard to the number of marks in Sanskrit, but nothing else.

40488. In answer to question (8) you lay great stress on the desirability of not recruiting the Civil Service, or indeed any Service, with a view to the interests of particular classes and communities. You do not suggest, I suppose, that Government could always have neglected the interests of the various classes and communities?—That is rather a political question. It all depends on the views of the Government at a particular time.

40480 (55). Are you satisfied with the existing arrangements for the training and probation of officers appointed to the Provincial Civil Service? If not, please state your objections, and what other arrangements you recommend?—I am satisfied.

40481 (58). Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?—I cannot suggest any other designation.

40482 (59). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—Yes.

40483 (60). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—No. In my opinion the Provincial Civil Services, both Executive and Judicial, should consist of 8 grades beginning with Rs. 300 a month and ending with Rs. 1,000. Probationers should get an allowance of Rs. 200 a month and their period of probation should be counted towards pension, leave, etc. The Subordinate Provincial Service should be abolished. The number of officers in different grades should be so adjusted as not to cause a block in any particular grade.

40489. Do you mean that the Muhammadan community has not hitherto reached that advance in education which some other communities may have reached?—That is so, but they are reaching it very fast indeed.

40490. What do you mean when you say that the system of nomination has greatly demoralised the ordinary Indian?—I have given my reason in the answer. Instead of preparing themselves to compete with other communities they have relied on favour.

40491. Do you think that without nomination in the past there would have been as much representation of the Muhammadan community as there has been?—No, there would not have been, but the compensating advantage to the community would have been greater. They would have striven their best to compete.

40492. You mean that if there had been no nomination, and possibly no representation, it would have been an extra incentive to the Muhammadan community to improve their education?—Exactly so. They would have tried to do that.

40493. Do you think the method you suggest would have been acceptable to the community?—It might not have been at that time, but they have now advanced in their political ideas and it would be quite acceptable to them now, I believe.

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40494. Do you think they are sufficiently advanced now to compete successfully with other communities?—Certainly.

40495. Do I understand by the answer you give to question (19) that you would be prepared to see the whole of the Indian Civil Service manned by Indians in future?—In time. I would not mind that; I should rather like it.

40496. Do you think that under a system of simultaneous examination many Indians will be successful in the immediate years to come?—Not many.

40497. Do you think there will be any appreciable increase in the immediate future?—Not very appreciable. A few will come in, but gradually of course the number will grow.

40498. But you would not care to see any limit put on the Indians?—I would not put any limit at all. Let the most efficient of His Majesty's subjects serve His Majesty.

40499. In answer to question (30) you make a suggestion that not only Muhammadan history should be taught to probationers but Islamic history generally. Have you any classical books in your mind that you would prescribe with this object?—There is the Right Hon. Syed Ameer Ali's book on Muhammadan history, and I can give any number of Arabic and Persian books, and there are a number of books in the English language too.

40500. You think that would be an advantage?—A great advantage.

40501. In answer to question (52) you say you would retain the present method of selection by the High Court for the Judicial Branch of the Provincial Service. Why is a system of selection suitable in the case of the High Court and not in the case of selection by the Local Government?—There is too much favouritism in a Local Government; the High Court Judges are more impartial.

40502. Would you favour the proposal that has been made to us by some that there should be a Board established with a non-official element upon it?—I would not mind that, although I have not thought over the question.

40503. So that in the case of the Provincial Service your objection to nomination is not really one of principle so much as of method?—I believe at present Judicial officers are nominated by the High Court, and I want to continue that method.

40504. According to your answer to question (54) you do not feel perturbed by the number of non-residents of this province who hold places in the Provincial Service?—At present in Bihar I feel it a little. There are many more non-Biharis than there ought to be.

40505. Would you like to see the Service recruited more from residents of the province?—Yes, for the Provincial Service, but after all we cannot apply the same principle everywhere. It is impracticable.

40506. So that you do not hold the same objection to nomination in connection with the Provincial Civil Service?—In the Provincial Civil

Service there will be trained men recruited from the Bar. As regards the Provincial Executive Service, I have recommended a competitive examination because there you will have new men who are not at all trained. In the Judicial you will have junior members of the Bar.

40507. In the competitive examination for the Executive would you admit candidates from outside the province or confine them to the province?—I would confine them to the province on the ground of impracticability.

40508. You think that on the whole open competitive examination is the best?—Yes.

40509. In answer to question (60) you propose to abolish the Subordinate Civil Service. Does that mean that you would absorb the Sub-Deputy Collectors into the Provincial Service?—Yes. They are the same class of men, with the same training and the same education, and I do not see any reason why they should be separated. There is discontent amongst them.

40510. You would not, suggest they should all receive the same pay as the present officers in the Provincial Service?—I would abolish the Service altogether and absorb it into the Provincial Civil Service.

40511. Would you not have a certain number of lower grades?—It may be so for the present, but eventually there should not be any Subordinate Provincial Service.

40512. You would pay officers in the listed posts at the same rate as officers in the Indian Civil Service?—Yes. Of course I am against listed posts as you will see from my answers. It is against my scheme.

40513. You would abolish them altogether?—Yes.

40514. But if they be retained you would give them the same pay?—Yes, I do not see any reason why they should receive less pay than the members of the Civil Service.

40515. If they were abolished would not that remove a considerable encouragement which now exists?—If my scheme is adopted, I do not see why that should be.

40516. What is in your mind when you suggest the abolition of the listed posts?—My scheme is that the Judicial Branch of the Service should be recruited from the junior members of the Bar, and a few District Judges should be recruited from the senior members of the Bar, say of ten years' practice. With regard to the Executive Service, there should be a competitive examination and there you will have a few listed posts; you will have to give them a few posts to satisfy them.

40517. You would recruit the whole of the Judiciary from the Bar?—Yes. I would amalgamate the Magistracy and the Judicial line.

40518. You do not think that the promotion of officers who have had long experience in the Judicial Branch would be of value to the Judiciary?—I have said that half of them must be members of the Provincial Civil Service and the other half from the Bar.

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40519. But I gathered from what you said just now they were to be all from the Bar. You mean, however, half from each?—Yes. If this be not feasible, let there be one-third from the members of the Civil Service, one-third from members of the Bar, and one-third from members of the Provincial Civil Service.

40520. (*Sir Theodore Morison.*) You think that the dependence on nomination has been demoralising to the Mussalman?—Most certainly.

40521. How long has this dependence upon nomination existed in that community?—I think it has existed all along.

40522. Since when?—I have seen it all my life, and I am forty-seven.

40523. You have seen it therefore for twenty-seven years?—For thirty years.

40524. About what date would you give to this impetus towards education among Muhammadans?—I believe it was in 1876 or 1874 when the Aligarh College was started.

40525. That was 1873?—It was about that time.

40526. So that it appears that the development of Muhammadan education has been synchronous with this dependence on nomination?—Quite so. Before that there were some Muhammadans educated in the English language.

40527. But you said, as far as you know the dates, that the dependence of Muhammadans on nomination lasted for thirty years, and that this further development of Muhammadan education is thirty years old. Now may I test your theory that the incentive to self-improvement is found by disregarding the representation of communities. What is the condition of education among the Mussalmans of Sind?—I believe it is very bad there.

40528. What proportion of appointments in Sind are held by Mussalmans?—I have not the least idea. I was in Karachi some time ago and I heard it was very small.

40529. Have not there been complaints and a Government resolution some years ago to the effect that over 80 per cent. of the appointments were held by non-Mussalmans in a province which has 90 per cent. Mussalmans?—I do not know about that.

40530. Anyhow you recognise that very few Muhammadans have secured appointments there. It has been left to this incentive to self-improvement and the result is that they are very ignorant. The system which you advocate has had a full trial in Sind?—You forget that I say here: "In my opinion the remedy lies, not in nominating members of backward communities to posts of trust and responsibility, but in helping them to raise their status in education and general culture, so that they may be able to compete on equal terms with their more advanced brethren." If the Government had looked to the educational interests of Sind Muhammadans they would not be in this position now.

40531. Are there no special educational institutions for Muhammadans in Sind?—I believe there is one school.

40532. There are more than that; I think?—That is my impression, and nothing has been done for the education of Muhammadans in Sind.

40533. Are not Muhammadans well educated in Eastern Bengal?—Did the Government take any special interest in their education there?

40534. No. They were left to the incentive of self-improvement?—Really.

40535. You say in your definition of Natives of India that you would exclude the persons of unmixed European descent from the definition. Why?—Because they have so many more rights than we have. For instance, they can go in for the Army or the Navy.

40536. A man must elect for one or the other: he must be either a Statutory Native of India or a European?—If a Native of India can join the Army or Navy then I would not exclude him, but if he could not, I would exclude him.

40537. I was thinking of the case of a family of pure English descent who have been in the country for three or four generations. You would not recognise them as Natives of India?—I should be very glad to call such a man Indian.

40538. But you would exclude him?—I would welcome him as an Indian.

40539. You would recognise Afghan settlers in this country as Natives of India?—Yes, if they have been here for generations and acquired property here.

40540. If they had been here for two or three generations and were of pure Afghan descent, would you treat them as Natives of India?—Certainly, as I would in the case of an Englishman.

40541. I thought you said you would not in the case of an Englishman?—An Afghan would not go in for the Army or the Navy because they would not allow him.

40542. Why do you include Pali among modern languages?—I do not know much about Pali, but I have heard, as I have heard about German and French, that there is a vast literature in Pali, including Indian history and so on, which would be of advantage.

40543. But it is not a modern language, is it?—No.

40544. But you say it should be classed among modern languages?—That is as regards marks.

40545. Does your scheme contemplate that the same man should take up Sanskrit and Pali?—Yes.

40546. Pali is a variation of Sanskrit, is it not?—Yes, so is Persian of Arabic. Persian is very easy for an Arabic scholar.

40547. Do you think that Pali bears the same relation to Sanskrit as Persian does to Arabic?—I have heard so, but I do not know personally.

40548. Surely Persian is a different language from Arabic, an Aryan language?—It is easy for Arabic scholars.

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40549. But surely it is a different language ?  
—Certainly it is a different language.

40550. But Pali and Sanskrit are not different languages, are they?—They are variations of the same language.

40551. (Mr. Abdur Rahim.) Have you studied the history of the education of Muhammadans in the Province of Bengal during the last 30 or 40 years ?—To a certain extent.

40552. Are you acquainted with that history ?  
—To a certain extent ; I do not say I have studied it thoroughly.

40553. You know that this province was part of Bengal until the other day, and therefore I will deal with Bengal only. I suppose you will admit that within the last four or five years there has been a considerable improvement in the education of Muhammadans in Bengal ?—Certainly.

40554. Do you know how long the system of competition for the Provincial Services existed in Bengal ?—I could not say, but it was for some time.

40555. It was abolished about 10 to 15 years ago ?—I could not tell you.

40556. Are you aware that during all the time that this competitive system lasted not a single Muhammadan got in ?—I know that.

40557. Supposing your idea was adopted, if we were to judge from past experience the result would be that Muhammadans would be totally excluded from the Provincial Service ?—Not at all. During the last 15 years Muhammadan education has advanced very much.

40558. Do you know the number of graduates among Muhammadans ?—No.

40559. Supposing we put it at 200 and for the other communities 2,000, and they have to compete together, what would be the chances of the Muhammadans ?—It would depend on the intellect of the men. The 200 might get in.

40560. You would not claim that the Muhammadans had advanced more than the Hindus as regards point of intellect ?—No.

40561. Supposing they stand on the same intellectual footing, then the chances of one man against ten would be one-tenth, would it not ?—Yes.

40562. And supposing there were nine places, the Muhammadan would not get in at all ?—That is so.

40563. If you take the census of last year, or the last five years, you would find that would be about the numerical proportion of Muhammadan graduates, if it is not worse ?—I do not see it. I should be very glad to change my views if I were satisfied.

40564. If there are nine vacancies and there are ten non-Muhammadan candidates and one Muhammadan candidate, all of similar intellectual qualifications, the chance of the one as against ten would be one-tenth ?—Yes.

40565. Then if there are only nine appointments he will get nothing ?—He might be the first man.

40566. Supposing there are five appointments ; what would be the chances of one against ten ?—Why should not we get all the five ? If we are intellectually capable I do not see any reason why we should not top the list. If we are intellectually incapable it is better that we should be ousted by those who are capable.

40567. We have had evidence in Bengal that since the Muhammadans have been getting more largely into the Provincial and other Services education has considerably advanced, especially among the sons of those people, and that it was really the lack of means in many cases that stood in the way of Muhammadans giving their sons a proper education ?—That has been always my opinion, that the poverty of my community has been the cause of their not having advanced in education. But to say that because a few officers have got into the Service therefore Muhammadan education has advanced is something that I do not agree with.

40568. From that point of view the education of Muhammadans would be advanced if there were a proper recruitment of that community in the Service ?—I do not agree to the premises that simply because there are a few officers in the Service, therefore Muhammadan education has advanced. It is a proposition I cannot understand.

40569. Would it not serve as an encouragement to education if they find there is a reasonable chance of getting into the Service ?—Certainly.

40570. You lay a great deal of stress upon competitive examination as a means of recruitment for the Executive portion of the Provincial Service as well as for the Indian Civil Service, and I should like to know whether you are expressing your own personal view or the view of the Muhammadans of Bihar ?—The views of the Muhammadan community during the last two or three years have undergone a very great change indeed.

40571. What you have expressed in your evidence is your personal view ?—I do not say the majority, but a very large number of Muhammadans hold those views.

40572. Did you call any meeting of Muhammadans to ascertain their views ?—I am not the Secretary of the League now, and therefore I had no business to do so. I was present at the meeting which was convened for this purpose, but unfortunately very few people turned up for reasons I do not want to enter into here, and therefore there was no discussion.

40573. I simply wanted to know whether it was your own view or representative of any body ?—I am most intimate with almost all the Muhammadan leaders of India, and I find that most of them are of this view now. They were not so three years ago, and I myself would have hesitated then to put forward this view on behalf of my community.

40574. I wanted to know whether it is the view of the Muhammadans of this province ?—Of very many of them, I think.

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40575. You would recruit the judiciary, for a certain proportion of it, from the Bar. We have had considerable evidence that the Bar is not the proper recruiting ground for District Judgeships : do you accept that opinion ?—Certainly not.

40576. It is said that Executive experience is a necessary qualification for a Judge ?—I do not agree with that.

40577. You would suggest that very much executive experience tends to destroy what is called the Judicial frame of mind ?—I believe so. That is my experience at any rate. For instance, I have heard that Settlement Officers make good Judicial Officers. Undoubtedly they get some experience, but they get into the habit of discarding procedure and adopting rough-and-ready methods of justice, and when they come back to the general line they never get rid of that habit. That is the reason why they are very unpopular.

40578. What Courts are you referring to ?—The Joint Magistrates or Magistrates who come back after Settlement work.

40579. Are you giving voice to the general opinion of your profession ?—I am sure about it. It is the experience of everybody.

40580. How long have you been practising in Bihar ?—About twenty-two years. I was called in 1891.

40581. And you have had experience in most districts of Bihar ?—Yes.

40582. You would suggest that even Deputy Magistrates ought to be recruited from the Bar ?—That is what I have said in my written answers. I said the two services should be amalgamated.

40583. Do you think that would be an advantage ?—Distinctly.

40584. In what respect ?—As regards the administration of justice.

40585. You would separate the two functions so that Magistrates could only try Criminal cases and have nothing to do with executive work ?—That is what I have said.

40586. (Mr. Madge.) With regard to what you say as to the exclusion of persons of unmixed European descent from the definition of Natives of India, you were of course aware that a statute, a proclamation, and speeches have been quoted to us to the effect that no man's race should be a bar to his appointment to any office for which he is otherwise fit. Does it not strike you that a corollary to this opinion of yours would be to set aside those concessions so far as they relate to Europeans in India ?—No. They have other rights. We have not all the rights of Europeans.

40587. The definition of Natives of India was introduced in order to open up certain appointments to certain classes, and in excluding persons of unmixed European descent from that definition you practically exclude them from the benefits conferred, and in that respect you really rescind the concessions made in the Proclamations and documents I have referred to ?—You mean Her Majesty's Proclamation ?

40588. Yes. It is said that no man's race should be a bar to selection for any appointment, and this definition has been made for the specific purpose of rendering certain classes eligible for certain appointments. By excluding persons of unmixed descent from this definition you really exclude them from that concession ?—For certain reasons.

40589. But you do exclude them ?—Yes.

40590. And to that extent you rescind that concession ?—Yes.

40591. You also object to a minimum proportion of European subjects being fixed ?—Yes.

40592. You said you were looking forward to the time when you hoped all these appointments would be for Indians ?—I did not say I was looking forward to the time but that it was quite possible the time might come. I believe I did not go further than that.

40593. But for the present do you think that a certain element of European officials is necessary ?—Yes, at present.

40594. To that extent you do not object to a minimum proportion being retained ?—There is no question of a minimum proportion at all. I say it is impossible to think that Indians will swamp the Europeans for a certain number of years. It is no use talking about the thing just now because the question does not arise.

40595. You may think it is of no use but I ask because I think it is of some use ?—I think it is not.

40596. (Mr. Chaubal.) You said you have been studying to some extent the history of education in this country. In that study have you found that those who were at one time supposed to be the most advanced and educated classes, such as the Brahmans, have been beaten on their own ground so far as it can be tested by the results of University examinations ?—Yes.

40597. Take for instance my presidency. If you look into the earlier calendars you will find that the first classes and the higher prizes were carried away by the Brahmans, but if you look into the recent calendars you will find it is very rarely that a Brahman comes in at all. I suppose what you mean is that once there is an impetus towards higher education in a community the actual strength and robustness of that community will assert itself, and you set a higher value on that ?—Yes.

40598. You were questioned about Sind for instance, which is supposed to be the most backward of Muhammadan parts of the country ; but are you aware that the Muhammadans of Sind have come forward volunteering to be taxed for the purpose of educational advancement ?—I was present at that meeting at Karachi.

40599. If the judiciary is recruited as at present from the Indian Civil Service, then no doubt the experience the Civilian Judge gets in the Executive line may be of importance ?—I think so.

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40600. But that experience which is obtained from Executive work comes from other directions so far as practising Barristers are concerned?—Of course, and to a great extent too.

40601. So far as the knowledge of the manners and customs of the people of a Province is concerned, is not practice at the Bar of equal or more importance than the so-called Executive experience of a Civil Judge in Settlement and other work?—I think practice at the Bar is of more importance.

40602. Can you tell me why?—Because these lawyers know everything; they are behind the scenes and they know the manners and customs of the country and the facts of the case in a way which the members of the Civil Service cannot do. It is impossible for them to acquire the knowledge.

40603. (*Sir Murray Hammick.*) I should like to understand your scheme a little better than I can from these papers. I understand you would like to see simultaneous examinations at once?—Yes.

40604. You would like to see the recruitment of every Judicial post from the Bar?—Yes.

40605. And I understand you would like to see an increase in the listed posts to the extent of one-third of all the appointments, and that you would like to see the Commissionerships and post of one Secretary to the Local Government thrown open to the listed Service?—Yes.

40606. Have you any idea as to how many appointments you will have left for the Civil Service?—No, I have not considered that.

40607. If you are assured that the immediate result of that will be almost the total withdrawal of all English candidates from the Civil Service examination in England, and the complete abolition of the Indian Civil Service as recruited from England within the next four or five years, you would not look upon that result with any apprehension at all?—Assuming that we get no more European members in the Indian Civil Service I would modify my scheme to a certain extent.

40608. You are not prepared to see within four or five years of the institution of this scheme of yours the complete abolition of all the European element in the Service?—No, I am not prepared to see that.

40609. I understand you do not speak for any Association in Bihar with regard to the scheme you have put forward?—The scheme has not been put before anybody, but I believe these are Congress views also.

40610. Is there a Moslem Society in Bihar?—There is the Bihar Provincial Moslem League.

40611. Although you have not put this scheme before that League, you think there is no doubt the members of the League would accept it?—I do not say all the members of the League would accept it. To-morrow you will have the Secretary of the League before you and he will be the proper person to represent Muhammadan

views here. I have discussed this scheme with some of my friends, both Muhammadans and Hindus, and some have agreed and some have disagreed. I cannot go further than that.

40612. But I understand you to say you thought the Joint Magistrate's Courts throughout this Province were exceedingly unpopular?—No, I did not say that. I said those officers who came back from Settlement work to the general line are unpopular.

40613. But most of these Magistrates' Courts are manned by men who have undergone Settlement training, are they not?—Some of them are, but not most. When they come back from Settlement work they are very unpopular.

40614. You think that when an officer comes back from Settlement work and takes up his duties as a Joint Magistrate his Court is very unpopular?—Yes.

40615. Do you mean unpopular amongst the masses of the people or unpopular amongst the profession of lawyers?—It is very difficult to distinguish between the two, because after all the members of the profession lead the masses; the litigants who come to Court.

40616. We have had a good deal of evidence to the effect that the existing Courts are extraordinarily popular with the masses of the people and that no change in them is required, but that is not your view?—If by the masses you mean those who go to the Court, then I do not agree. Those who do not go to the Court perhaps have no views on the matter at all.

40617. But they are not popular amongst the people who go to the Court?—No.

40618. The prisoners and the witnesses?—I mean the parties.

40619. Did you not say that the opinion of the Muhammadans, taking them as a body, has changed in the last three years on this point of simultaneous examination?—On almost every point in political questions.

40620. Can you tell us what has brought about that change?—Several things have brought it about. For instance, there is the general education which has spread, the partition of Bengal, and others which I need not mention here.

40621. (*Mr. Hussain.*) You seem to be particularly jealous about that expression "unmixed European descent." May I ask if that jealousy arises from the fact that when you claim, on the strength of the same definition, admission into Services like the Pilot and Custom Services, you are denied the advantage of that definition?—That is what I have said. I do not say I am jealous of anything, but that is one of the reasons.

40622. I should like to know whether you have sufficient knowledge of the Members of the Provincial Civil Service to say whether they deserve appointments to listed posts?—I have recommended that.

40623. You would not favour a system which would exclude them from participation in the

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higher posts?—I would welcome it. I think it would be a great help to the Government.

40624. In all cases you would retain these

listed posts, even if the alternative scheme you have suggested was put into force?—Yes, of course.

The following portion of Mr. MAZHARUL HAQUE's evidence was taken *in camera*.

40625. (Chairman.) It is better in the public interest to deal with two of your answers in private. In answer to question (11) you say "the judicial powers of the executive officers are held *in terrorem* over the people." Could you give the grounds for that?—I have come across very many cases of that kind in my professional career.

40626. Could you give instances?—Yes. I was engaged in the well-known case of Narsingh Singh at Chapra. I conducted that case, which I think everybody must have heard about, so that I need not go into the facts.

40627. That case, I suppose, is on record?—Yes.

40628. Could you give a brief outline of the case?—I have printed copies at Chapra which I can send to the Commission.

40629. We only want an outline of what the case was which you are giving as an instance of powers that are "held *in terrorem* over the people?"—When I say "*in terrorem* over the people" I am discussing the principle. I do not say that they are always held *in terrorem* over the people, but it comes to that. Otherwise I do not see any meaning in the combination of judicial and executive. There are miscarriages of justice. There are for instance several cases under Section 10 which I could give, as I have myself conducted them. False records were made and the men were sent to jail. I could give many cases like that.

40630. But we want something much more specific than you are giving us now?—I have given at least one case.

40631. Should we be able to satisfy ourselves on that by reading the records of it?—Yes. The record is printed in pamphlet form and any one can get it. It is Mr. Pennell's case. There are two volumes with the exhibits, and they are on sale in Calcutta.

40632. What is the reference?—I can only give the name.

40633. (Sir Theodore Morison.) What is the date?—I believe it was 1899.

40634. (Sir Murray Hammick.) You are talking of Mr. Pennell's case?—Yes. I myself conducted it.

40635. (Chairman.) Have you anything more recent to give us? In a case like this we want more than a belated case of 14 years ago to justify the statement that "the result is a lamentable failure of justice at the hands of some of the most conscientious judges on account of this ignorance."—That is as regards want of knowledge of the manners and customs not as regards the separation of the judicial and executive.

40636. But if there is really a "lamentable failure of justice" you ought to be able to give us some concrete instances: It is no use to us unless you do. We want to have actual facts before us of failures of justice, and unless we have them statements like this in a public enquiry are not worth the paper they are written on?—That is the impression of the public.

40637. Cannot you give us more than the impression of the public?—If you would give me time I could find many cases on the records. I could give the names but not the references. If I had known I should be called upon for references I would have come prepared to give them.

40638. It is unfortunate that you cannot give us the cases because our enquiry into the statements you make is not advanced at all?—I can send the references later on. The Commission is not going to send up its report at once.

40639. It is necessary for us to have instances?—You can find many cases in the Indian Law Reports.

40640. We have to go by the evidence we receive from witnesses: we cannot go probing into the Law Reports?—The latest case is one decided by the High Court of Calcutta.

40641. (Mr. Fisher.) That is Mr. Justice Mukherji's case?—Yes.

40642. (Mr. Abdur Rahim.) When you referred to section 10 you were referring to the prosecution of wealthy zemindars under those sections which ultimately result in acquittals by the High Court or by high authorities?—Yes. There was a case in this town where a wealthy man was ruined.

40643. Have you notes of cases which have been heard under those sections and section 107 in which you say there were miscarriages of justice in the first instance?—I have not the notes.

40644. Have you conducted many cases like that?—Yes, I have, many cases. For instance, there was the case that went on for six months at Chapra, a Deputy Magistrate's case.

40645. Can you give us the name of that case?—I forget the name of the party. The whole case was upset.

40646. Can you send us the name?—I will send you a list of several names.

40647. We want you to give us a list of cases in which you yourself were concerned, or of which you have knowledge, in which Sections 107, 110 and other sections have been used for the advancement of parties?—Only the other day I had a case before a Deputy Magistrate and I advised the party to go to the High Court and the High Court quashed the whole thing.

40648. That is the sort of case we want. We want to know the facts, and what happened in the first instance, and what happened



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before the High Court?—I can give you dozens, but not off-hand.

40649. What I understand by “held in *terrore* over the people” is that the District Magistrate is the head of the police and of the Magistracy and is entitled to initiate prosecution as an Executive officer and can try the case himself, or if he is objected to that case can be tried by a Subordinate Magistrate. It is this power of initiating or sanctioning prosecution in a case that is to be tried by himself or a Subordinate Magistrate that leads to this position of which you are complaining?—Yes.

40650. Do you know the pamphlet of Mr. Ghose?—Yes, I can get it.

40651. Has it been brought up to date?—I do not think so.

40652. If you will give us notes of the cases of which you have had experience we shall be obliged?—I will be glad to send them on.

40653. Have you had a large experience of pleaders and barristers here?—Yes.

40654. Are there pleaders of standing who would be fit to be appointed District and Sessions Judges?—Certainly.

40655. Can you say roughly how many there would be in this Province?—I could give you half a dozen names off-hand. There may be four or five barristers in Bihar who would not accept it as they are on the top, but there are very capable men of perhaps ten years’ standing who would gladly take up the post of a District Judge. Barring the topmost men, you would find plenty of men.

40656. (Mr. Madge.) You say “from the very commencement of the British rule administration of justice has been based and worked upon the lines and methods prevailing in England. Procedure is the same, and the Law of Evidence is the same.” I am afraid that historically this statement is about as inaccurate as any statement of this kind could possibly be, because the whole history of British administration in India shows a paternal despotism and patriarchal rule, and it has gradually advanced towards the reign of law step by step, year by year. The question whether this is wise or not is another matter, but as a matter of fact British rule is not and never has been the same. You hold that this is a perfectly accurate statement?—When you have come to the conclusion that it is an inaccurate statement what is the use of asking me the question?—

40657. (Chairman.) We cannot go into a discussion on this subject now.

40658. (Mr. Madge.) I simply wish to know whether the witness adheres to the statement as being perfectly accurate?—I do think it is accurate.

40659. (Mr. Chaulbal.) When you say “The result is a lamentable failure of justice and the consequent discontent of the litigants” you are pointing out the evils of want of training, because you say just before: “Under the present system an officer who has never tried even a petty money-

suit in his life is, the moment he is translated to the post of a District Judge, called upon to adjudicate upon highly technical and complicated law points which usually arise in civil cases, and sits in appeal over the decisions of experienced Subordinate Judges?”—Yes. I am talking about civil cases.

40660. (Chairman.) The point we are asking you about now is your statement in the middle of your answer to question (30) where you say “I have also known lamentable failures of justice at the hands of some of the most conscientious judges on account of this ignorance?”—There I am talking about the manners and customs of the people. There have been some instances of that kind. I do not blame them at all; it is more a misfortune than anything else.

40661. (Mr. Chaulbal.) Can you give instances of the kind of failures you speak of as due to ignorance of manners and customs?—Yes. I will send you references. Anybody can go through the Indian Law Reports and find them there.

40662. (Sir Murray Hammick.) You say that the Judicial powers of the Executive officers are held in *terrore* over the people. What do you mean by Executive officers?—I mean those who are on the Executive side, for instance the District Magistrate and Sub-Divisional officer and so on.

40663. Are you not of opinion that in this country the police are open to a great many influences towards corruption and tyranny such as do not exist in Europe?—Yes.

40664. Granted that, do you not think it is of importance that the head of the district should have complete charge of the police and at the same time should have very close cognizance of all cases that are brought by the police against persons in the district? The very fact that he knows both sides, the police and their unscrupulous methods and the kind of work they very often do, and on the other hand the cases which are brought against particular people in his district, very often enables him to stop corrupt methods in the police, which, if he was not head of the district, would not come to his knowledge or be under his control. We are both anxious to do the same thing. Nobody is more anxious than this Commission to put down this alleged tyranny over the people, but it has always struck me that you are dealing in this country with a police who are exceptionally corrupt, and therefore it is of great importance that the head of the district should have absolute control over the police, at the same time that he is Magistrate, and that if you divide these two functions and leave the Magistracy separate from the police and place the head of the district at the head of the police, you would be instituting an organization for tyranny in the district which would be absolutely without control, and that the last state of things would be a great deal worse than the first. Have you never thought of it from that point of view?—With all due respect, I do not agree with you.



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[concluded.]

40665. But have you thought of it carefully from that point of view?—I think it is so patent. The thing is obvious and must strike everybody. But I do not think it is feasible in this country. Justice should be absolutely impartial. First impressions make great difference. The police officers speak to the Magistrates. They go to a young Magistrate, or even to a senior man, and give him the facts of the case, and naturally he becomes biased in their favour.

40666. That I do not deny at all, but what I say is that the protection which is given to the people of the district by the very fact that the head Magistrate of the district is conversant with everything that goes on on the part of the police is a great safeguard against injustice of that sort?—

A judge should not know the facts of the case, either on behalf of the prosecution or on behalf of the defence, except as given under the Law of Evidence.

40667. On the other hand, do not you think that in a country of this sort, where such a great deal of evidence is false, it is extremely important for the judge or the head of the district to know the source and see the records of all these cases which are dealt with under Section 110, an importance which is not known in England?—Let him see the records, but do not let him decide the case.

(The witness withdrew.)

(Adjourned till to-morrow at 10-30 A.M.)

Thursday, 27th March 1913.

## FORTIETH DAY.

### PRESENT:

THE RIGHT HON. THE LORD ISLINGTON, K.C.M.G., D.S.O. (*Chairman.*)

SIR MURRAY HAMMICK, K.C.S.I., C.I.E.

SIR THEODORE MORISON, K.C.I.E.

MAHADEV BHASKAR CHAUBAL, Esq., C.S.I.

And the following Assistant Commissioners:—

WALTER MAUDE, Esq., I.C.S., Member of the Board of Revenue.

ABDUR RAHIM, Esq.

WALTER CULLEY MADGE, Esq., C.I.E.

HERBERT ALBERT LAURENS FISHER, Esq.

KHAN BAHADUR ASHFAQ HUSSAIN, Deputy Magistrate and Deputy Collector.

NARENDRA KISHNA DATTA, Esq., B.L., Officiating Additional District and Sessions Judge, Shahabad.

M. S. D. BUTLER, Esq., C.V.O., C.I.E. (*Joint Secretary.*)

LOUIS JAMES KERSHAW, Esq., C.I.E., I.C.S., Financial and Municipal Secretary.

*Written answers relating to the Indian Civil Service.*

40668 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—The present system is not ideal in theory but it yields on the whole good results. It has stood a long test and although open to obvious objections is better perhaps than any other system that could be devised. Should, at any future time, any marked deterioration in the standard of recruitment occur, the cause will probably be found not so much in the method of recruitment as in less attractive conditions of service.

40669 (3). Is the system equally suitable for the administration of "Natives of India"?

and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—There can be no doubt that Indian youths—and especially those of slender means—are handicapped under a system which requires them to undergo a preliminary and expensive training in England before examination. But although this defect may be regretted, no alteration in the system would be justified unless it could clearly be shown that, if this preliminary training were done away with, successful candidates would be equally fitted for employment in India. There can be little doubt that residence in England at an age when the mind is susceptible to new ideas is highly desirable, if not essential, and it is not unreasonable to impose this condition upon those destined to hold high posts in a country governed by British methods. A period of probation spent in England after examination

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[ continued.]

is not sufficient. Even if that period be two years the time is too short, and at any age over 20 the character is set and new ideas cannot readily be assimilated.

40670 (4). Further, is any differentiation desirable between other classes of natural-born subjects of His Majesty? If so, what do you propose?—No differentiation is desirable between any classes.

40671 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—There is this advantage in a combined examination, that there is some assurance that recruits for the Indian Civil Service are approximately of the same quality as those who enter the Home and Colonial Civil Services. But in recent years the Indian Civil Service has lost in popularity, and those who pass out highest usually choose the Home Civil Service. The change is very significant, and as it is essential that the best candidates available should be recruited, the causes of the change should, if possible, be ascertained by enquiries in England, and if, as is probable, it be found that the conditions of service in India are less attractive than formerly, it is desirable, in Indian interests, that they should be improved. I think, however, that on the whole something might be gained if the age-limits were lowered and a separate examination held. In this way the Indian Civil Service Examination might intercept first class recruits who otherwise would enter the Home Civil Service.

40672 (6). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose. Do you recommend a system based on any of the following principles.—(a) Selection by headmasters of schools approved or otherwise: (b) Selection by authorities in Universities approved or otherwise: (c) Nomination by headmasters or University authorities and selection under the orders of the Secretary of State: (d) Combined nomination and examination: (e) any other method?—There is something to be said for each of the first four methods, but in each case the disadvantages appear to outweigh the advantages and on the whole the present system, which has stood a long test, should be retained.

40673 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—I am opposed to any system of simultaneous examinations, as such a system is inconsistent with the accepted principles on which the Indian Civil Service is based. The arguments (which need not be repeated here) used by the Public Service Commission of 1886-87, by the Government of India in 1893, and by the Secretary of State in 1894, still hold good and appear to be conclusive. Another strong argument against the system is that it would

inevitably lead to a cleavage in the Service and to a consequent loss of efficiency. At present there is no question of differential rates of pay between European and Indian members of the Service, as it is assumed that the preliminary residence in England places both classes on the same level. But if simultaneous examinations were held it would be necessary in the interests of the tax-payers to face the question whether those recruited in India should be paid at the same rates as those recruited in England. The scale of pay of any service should be fixed so as to attract the best class of recruits, and, whatever opinion may be held as to the adequacy of the scale of pay fixed for the Indian Civil Service recruited under present conditions, there can be little doubt that a lower scale would attract the best Indian recruits available if recruitment took place in India. It is not merely the case that the standard of living in the two cases is different, but the field of employment open to the educated classes in India is much more limited than in England. The introduction of differential rates would lead to deplorable results. At present Indian candidates who are successful in the open competition are welcomed as members of the Service; they are in all respects on the same footing as European members, and they share in its *esprit de corps*. But if the Civil Service were composed of two sets of officers, paid at different rates, recruited under different conditions, and with wholly different ideals, a cleavage would inevitably result, all community of interest between European and Indian members would disappear, and the Indian members would in reality form a service but slightly removed from the present Provincial Civil Service.

40674 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?—Pure competition is in India a most dangerous method of selection for important posts, and I am strongly opposed to any system of separate examinations held in India to fill up a fixed proportion of the vacancies in the Indian Civil Service. Such a system is open to all the objections urged against simultaneous examinations, and it would be extremely difficult to justify in the case of recruits obtained in this manner the scale of pay drawn by members of the Service recruited in England. Nominally such officers might be members of the Indian Civil Service, but they would, in reality, be in much the same position as officers of the Provincial Civil Service who hold listed posts. If, moreover, such a system were introduced, it would be necessary to withdraw from the Provincial Civil Service the prize appointments already given, with the result that that Service would be debased and the standard of recruitment lowered. It is

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probable, if separate examinations were introduced, that Indian youths would cease to appear at the London Examination, and there would thus be lost to Indian members of the Service the great advantages of a preliminary period of residence in England. In one respect indeed the system has less to commend it than the system of simultaneous examinations. If not at the outset, then in course of time, the subjects and age limits of the two examinations would be different, and in the absence of a combined list there would be no standard of comparison between the two classes of recruits. The inevitable result would be that the prestige of Indian officers recruited in India would suffer and this loss of prestige would lower the estimation in which the Service as a whole is held by the people.

40675 (10). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend. In particular, do you consider it desirable that whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?—Such a system would entail a reduction in the number of listed posts or, at all events, would bar any increase in the number of such posts in the future, and would thus tend to lower the attractions of the Provincial Civil Service. The rules of 1910 already provide, within certain limits, for the appointment to listed posts of "Natives of India of proved merit and ability" who are not members of that Service, and although I see no objection to the modification of that rule so as to permit the Local Government to appoint any "Native of India," I would not specifically create a third class of posts. In my view the true line of advance is so to revise the pay and prospects of the Provincial Civil Service and of the prize appointments attached to that Service, that the best recruits available in India would be obtained. In this way the field of selection for listed posts would be widened and if it were found desirable to throw open to Indians a larger number of existing appointments or a share of new appointments (and these, with the increased difficulty of administration, are bound to be created) the number of listed posts should be increased.

40676 (14). Are you satisfied with the present definition of the term "Natives of India" in Section 6 of the Government of India Act, 1870 (33 Vict., c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully

any proposals that you wish to make in regard to this matter?—The definition is suitable.

40677 (15). If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—I favour fixing the age-limits at 20—22 with a period of probation of one year. The fundamental condition that each successful candidate should have received a liberal general education would be satisfied and a recruit arriving in India at the age of 22 or 23 would be keener and more adaptable than at present. There is the additional consideration that a separate Indian Civil Service examination might, if the age-limits were lowered, intercept candidates who otherwise would select the Home Civil Service. In this connection some regard should be had to the age at which an officer can retire. If service commences at the age of 22 or 23 a civilian could retire at 47 or 48, but under the present rules he cannot retire before 49 or 50. It is desirable that an officer who has completed 25 years' service in India should be in a position to retire at an age when he can enjoy his pension.

40678 (16). What is your experience of the relative merits of the candidates selected under varying age-limits, particularly under the systems in force from 1878 to 1891 (age limits 17—19 years, followed by two or three years' probation at an approved University) and since 1891 (age-limits 21—23 or 22—24 years, followed by one year's probation)?—My general impression is that recruits who arrive in India at the age of 25 or over are less adaptable and less keen than those who were recruited under the old rules.

40679 (18). What is the most suitable age at which junior civilians should arrive in India?—For reasons of health it is immaterial whether a junior civilian is 23 or 25 years of age on arrival. But the character is more or less set at the higher age and this is a disadvantage, as it is desirable that a recruit should not be too old to resent being taught his work or to imbibe fresh ideas.

40680 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well educated young man of the period?—The principle is sound.

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40681 (23). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and if so, what posts and for what reasons? Please state in detail what alterations (if any) you recommend in the Schedule of the Indian Civil Service Act of 1861 (24 & 25 Vict., c. 54). [Attention is invited to the provisions of the Indian Civil Service Act, 1861 (24 & 25 Vict., c. 54) and of the Government of India Act, 1870 (33 Vict., c. 3), reproduced as Appendices II and III to these questions?—No formal alteration in the schedule appears to be necessary. Section 3 of the Act of 1861 read with Section 6 of the Act of 1870 (and the rules made under that section in 1910) sufficiently provides for the appointment of Natives of India to scheduled posts. The retention of the schedule in no way prevents the wider employment of Indians in such posts, while its withdrawal would be resented by members of the Indian Civil Service.]

40682 (24). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that "Natives of India" might, under present conditions, properly be admitted?—It is generally admitted that the administration of India must be conducted on British lines, and that in the higher posts the British element must preponderate, but any formal prescription of a minimum proportion is undesirable. Apart from the fact that it would be necessary to fix a separate proportion for each province, the formal prescription of any minimum would limit undesirably the privilege now enjoyed by Indians of admission to the Indian Civil Service without restriction of numbers. The principles enunciated by the Government of India in 1893 still hold good, and there appears to be no reason to depart from the conclusion then arrived at that at least five-sixths of the cadre posts should be held by officers (European and Indian) recruited by open competition in England. This at best is a purely arbitrary proposal and mainly useful as a rough guide for fixing the number of listed posts.

40683 (25). Do you accept as generally satisfactory in principle the present system under which "Natives of India" are recruited partly through the medium of an open competitive examination in England, and partly by special arrangement in India, in accordance either with rules framed under the provisions of section 6 of the Government of India Act, 1870 (33 Vict., c. 3), or with the provisions of the India Civil Service Act, 1861 (24 & 25 Vict., c. 54)? Do you recommend any alterations in this system, and if so, what?—The system is satisfactory in principle. In replies to other questions some suggestions have been made with the object of rendering listed posts more attractive.

40684 (28). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived and, if so, what method of recruitment would you recommend?—I do not consider that the system should be revived. If this were done it would be necessary to abolish or reduce the number of listed posts, and the effect of this on the Provincial Civil Service would be disastrous.

40685 (29). What experience have you had of military or other officers who have been specially recruited in India to fill Indian Civil Service posts, and how many such officers are employed in your Province? Please distinguish in your reply between (a) military officers, and (b) others; and give details of the latter?—During my service in Assam and Eastern Bengal and Assam (1891–1912) I had many opportunities of becoming acquainted with the work of military officers appointed to fill Indian Civil Service posts.

40686 (31). If the system of recruiting military officers in India has been stopped, or has never existed in your Province, would you advise its reintroduction or introduction, as the case may be, and if the system should be introduced or reintroduced, to what extent should it be adopted?—I do not advise its reintroduction into this province.

40687 (37). Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction?—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess?—This is discussed in the reply to question (20) of the questions relating to the Provincial Civil Service.

40688 (38). Is the class of posts listed suitable? If not, in what directions would you suggest any changes and why?—The class of such posts is suitable.

40689 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—Such a course is desirable and should I think be continued.

40690 (44). What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you?—One year.

40691 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?—Yes.

40692 (47). Do you consider that probationers should receive allowances during their period of probation? If so, please give the scale and conditions that you recommend?—Yes. £150 per annum and a free first-class passage to India.

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40693 (49). Would it, in your opinion, be desirable to establish a separate institution in England for this purpose, and, if so, under what conditions?—I am not in favour of a separate institution.

40694 (50). If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in 1854, that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University course?—Yes.

40695 (51). Please examine the statement printed as Appendix VI to these questions showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you?—The courses of study are generally appropriate but the law course might with advantage be enlarged.

40696 (52). In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at Law Courts in England and reporting of cases; (ii) the teaching of Indian Law in addition to the general principles of jurisprudence; (iii) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of (a) Indian Geography, (b) Political Economy, (c) Accounts?—I am in favour of (i), (ii), (iii) and (iv) (a) but not of (iv) (b) and (iv) (c).

40697 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—In England.

40698 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?—I am not in favour of the proposal.

40699 (55). What is your opinion of a proposal that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—I am not in favour of the proposal.

40700 (59). Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No differentiation is necessary.

40701 (60). Are you satisfied with the present arrangements for the training of

junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—The present arrangements are on the whole satisfactory.

40702 (61). Is the existing system of departmental examinations suitable, and if not, what change do you recommend?—The system is suitable.

40703 (68). Is any differentiation desirable in the system of training after appointment in India between members of the Indian Civil Service who are "Natives of India" and other natural-born subjects of His Majesty? If so, please state your proposals?—No differentiation is desirable.

40704 (72). The present theory underlying the conditions of service in the Indian Civil Service is that—(a) the members of the service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones; and (b) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties. To secure these objects the number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 *per mensem* is ascertained, and it is endeavoured to recruit only sufficient officers to make it probable that each officer will find himself officiating with practical permanency in at least the lowest of those appointments after the completion of eight years' service. Do you accept this system? If so, do you consider that the period of eight years is suitable, or do you recommend any change? What alteration (if any) would be necessary if the age of recruitment were lowered?—The system is suitable and no change in the period of training is recommended. If the age of recruitment were slightly lowered no alteration in the system would be necessary.

40705 (73). It is also part of the existing system that officers of over two but under eight years' completed service should fill with practical permanency in the ordinary course of promotion charges of minor responsibility, called technically "inferior posts," and should be drawing pay at rates above that of the lowest grade, but not exceeding Rs. 1,000 *per mensem*. Do you accept this as a suitable arrangement? If not, what alteration would you suggest, and for what reasons?—The arrangement is suitable.

40706 (92). Are the present rates of pay and grading suitable? If not, what alterations do you recommend?—Rates of pay have, for the most part, remained stationary for a very long time, the purchasing power of the rupee has fallen, and in other services revisions of pay have taken place. The grant of exchange compensation allowance in 1893 provided only a partial remedy, and the general feeling of dissatisfaction which exists might reasonably be met by an enhancement of rates commensurate with the rise in prices during the past twenty years, not only that recruitment might be improved but also that

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members of the Service might be enabled to maintain a suitable position. This might be effected by an all-round increase in the pay of the grades, if the graded system be retained, or if a time-scale be introduced by the adoption of a scale of increments which would raise the general pitch of the rates.

40707 (93). If any dissatisfaction is felt, does it relate to the pay or grading of the higher or lower posts or to both?—The general feeling is that an all-round increase of rates is justified.

40708 (94). Do you consider it desirable that there should be uniformity of payment for similar kinds of work in all the provinces, and does any dissatisfaction on this score exist in your Province, and if so, what?—Although it has never been admitted that equal rates of pay for similar kinds of work in different provinces should be given, there has always been a decided tendency towards uniformity. Theoretically, local conditions should, to some extent, determine rates of pay, but from the broad point of view that the service is an Imperial Service and that recruits for all provinces are obtained in the same manner, any violent variations are undesirable.

40709 (95). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—The Secretary of State has already accepted the recommendation made by Lord Inchcape's Committee that the allowance should be abolished, the scale of salaries being revised so that complete compensation for the loss of the allowance should be given. The change would benefit Indian members of the service who are not at present eligible for the allowance and would, in the form of increased leave allowances, benefit all members. But this would, no doubt, be taken into account in revising the scale of pay. The change would be made for simplicity and is desirable.

40710 (96). If abolition is recommended, with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the service who now draw no exchange compensation allowance?—Lord Inchcape's Committee recommended, and the recommendation was accepted by the Secretary of State, that in revising the scale of salaries consequent on the abolition of the allowance no distinction should be made between European and Indian members of the Service. Any such distinction is to be deprecated.

40711 (97). How does the system of acting allowances work in the case of officers selected to officiate in appointments involving increased responsibility? Is it productive of any inconvenience and have you any suggestion to make on the subject?—The rules regulating the calculation of acting allowances are con-

tained in Chapter VI, section I of the Civil Service Regulations. Although the rules work somewhat unequally it would be difficult to devise anything better if the graded system be retained.

40712 (99). What is your opinion regarding the substitution for the existing graded system of promotion of a time-scale of salary? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service or not?—I strongly recommend that a time-scale be substituted for the present graded system. The advantages of a time-scale are well known. The element of chance is eliminated as each officer can calculate with certainty the exact amount of pay which, subject always to approved work, he will receive as a minimum during each year of his service. Inequalities of promotion in different years and in different provinces are removed and the importance of this can scarcely be exaggerated. A block in promotion gives rise to justifiable complaints which can only be met by the unsatisfactory device of personal allowances but which if not met are liable to prejudice recruitment. In the next place, excessive recruitment in any year or period of years cannot, as at present, result in a block in promotion. The pay of each officer is personal, dependent only upon length of service and good work. He is no longer, save in regard to higher appointments, dependent upon the movements of others, and the unhealthy interest now taken by junior officers in the intentions of their seniors would disappear. Finally, it would be possible to give absolute effect to the accepted principle that the monthly pay of an officer who had completed eight years' service should not be less than Rs. 1,000. There is no reason to suppose that a time-scale would in any way weaken the incentive to good work, as the Local Government would be authorized to stop increments in the case of an officer whose work was unsatisfactory. But any such danger would certainly be removed if special appointments were kept outside the scale and if the scale itself were so regulated that allowances could be attached to district and sub-divisional charges. Leaving out of account any question of an all-round enhancement of rates of pay such as has already been suggested, the main features of a time-scale suitable for the Indian Civil Service may be summarized as follows:—  
(a) An initial pay of Rs. 425 would be fixed. This would include exchange compensation allowance. (b) Annual increments during the first eight years of service would be granted subject to the condition that failure to pass departmental examinations would entail the temporary stoppage of increments. (c) Annual increments (not necessarily the same as those given during the first eight years) would be granted from the 9th till the 20th, 21st or 22nd year of service. The exact range of the scale could not be determined until details had been worked out. (d) Fixed rates of pay would be attached to a number of special appointments which would be outside the time-scale,

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e.g. :—Member of the Board of Revenue; Chief Secretary to Government; Commissioners of Divisions; First Grade Judges; Inspector-General of Police. (e) To officers still on the time-scale appointed to officiate in any of these special appointments a fixed allowance irrespective of the pay of the officiating officer would be given. (f) In addition fixed allowances would be given to officers on the time-scale holding certain posts. The following scale is illustrative only:—

Post.	Charge allowance.	Rs.
Sub-Divisional Officer . . . . .		50
Under Secretary to Government . . . . .		200
District Officer . . . . .		250
District Judges . . . . .		400
Secretary to Board of Revenue . . . . .		450
Heads of Departments . . . . .	250—500	
Secretary to Government . . . . .		500

Before definite proposals could be formulated it would be necessary to subject any time-scale and scale of allowances to various tests. The total expenditure would have to be calculated and the effect on individuals examined.

40713 (100). As an alternative do you recommend a system by which each main class of appointment would have a separate time-scale?—The scheme outlined in the answer to the last question covers this.

40714 (101). What is your experience of the practical working of time-scales of pay in other Indian services?—Time-scales are in force in the Foreign Department, in the Forest Service (Imperial and Provincial), in the Indian Educational Service, in the Public Works Department and in the Medical Department (Assistant Surgeons). The system, it is understood, works well.

40715 (102). If you recommend any system of time-scale of pay, please describe it, and state what conditions should be laid down in regard to the grant of increments, promotion to superior grades, charge allowances, and other matters of importance. How do you propose to apply such time-scale in Provinces where the scale of pay of the judicial and executive branches of the service is different?—Answered under question (99). The fact that a number of officers are employed in judicial work does not appear to be any reason why a time-scale should not be introduced if appropriate allowances were attached to District Judgeships and if a limited number of Judgeships were kept outside the time-scale.

40716 (103). If you are in favour of a time-scale of pay, how would you secure that the recruitment of junior officers is restricted to the number likely to be promoted in a reasonable time to posts of independent responsibility, and do you or do you not consider it desirable that all members of the Indian Civil Service should have the prospect of rising to such posts within a fixed time?—It is certainly desirable that members of the Indian Civil Service should be promoted within a reasonable time to posts of independent responsibility, but the substitution of a time-scale for the graded system would not

prevent this, as the number of such posts would remain the same under either system and the number of recruits would as at present be calculated on probable casualties. If that calculation were inaccurate the error would to some extent be rectified under a time-scale, as even if an officer did not hold charge of a district within a reasonable time his pay would still increase automatically.

40717 (104). Turning now to the case of the Statutory Civilian and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rate do you suggest for the various grades of the service?—There is only one Statutory Civilian in the province and the rule (Article 568, Civil Service Regulations) under which he draws 64 per cent. of the pay which would be drawn if the office were held by a member of the Indian Civil Service is suitable. Theoretically the same principle is sound in the case of a member of the Provincial Civil Service holding a listed post, but as such an officer has to work his way through the grades he cannot, unless selected fairly early in his service, hope to reach the highest rates of pay fixed for listed posts. It is for every reason desirable that a member of the Provincial Civil Service selected to hold a listed post should have a reasonable prospect of drawing towards the end of his service approximately two-thirds of the pay drawn by a member of the Indian Civil Service in the general line of equal service. If a time-scale were introduced for the Indian Civil Service this result might be secured by allowing the selected officer to draw on appointment sixty per cent. of the pay drawn by a member of the Indian Civil Service of equal service, annual increments and allowances being drawn in the same proportion.

40718 (109). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—Furlough allowance is under Article 314 of the Civil Service Regulations fixed at half the average salary (as defined in Article 16) of the officer with a maximum and minimum. It is undoubtedly the case that these allowances, if not supplemented by savings, are often insufficient to cover expenses incurred during furlough. This is largely due to an increase in the cost of living and the difficulty would be met if a general increase in the rates of pay, suggested in the answer to question (92), were sanctioned.

40719 (110). Do you recommend any change in the concession, granted in 1893, under which leave allowances expressed in rupees, other than privilege leave allowances, issued at the Home Treasury, or in a colony with a gold standard of currency, are issued in sterling at the privilege rate of exchange of 1s. 6d. the rupee? If so, what change?—This question was considered by Lord Inchcape's Committee which proposed no change



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in the existing rule. No change is recommended.

40720 (111). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable? Do you recommend any change in the alternative rates fixed in sterling and in rupees, and if so, what change?—The minimum is suitable but some increase in the maximum would be keenly appreciated by members of the Service. In the latter years of service the leave allowance of £1,000 (with deductions) is considerably less than half salary, and expenses on leave are much greater than after retirement. A maximum of £1,250 would be suitable.

40721 (112). Have you any recommendation to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—The present conditions are generally suitable.

40722 (113). Generally speaking do any of the present leave rules applicable to the Indian Civil Service cause inconvenience to the Administration, and if so, what, and what remedy do you suggest?—Local Governments have recently been addressed by the Government of India on the subject of the simplification of the leave rules and the redraft of the leave chapter of the Civil Service Regulations has been circulated for opinion. By removing certain restrictions regarding the grant and combination of leave and by making the grant of leave primarily dependent upon the interests of Government, the revised rules would be more elastic and would probably result in increased administrative efficiency, as excessive transfers would be avoided. So far as members of the Service are concerned, the removal of the restrictions as to the intervals at which leave may be taken and as to the combination of leave would be welcomed.

40723 (116). Do the present leave rules applicable to Statutory Civilians, or to officers of the Provincial Civil Services employed in listed posts, cause any inconvenience to the Administration, or press hardly on the officers themselves, and in what respects? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?—No inconvenience is experienced. Having regard to the fact that the two services are recruited from different sources a distinction is not inequitable.

40724 (118). Is the present system of equal annuities to all members of the Indian Civil Service generally accepted as satisfactory by the Government and by the members of the Indian Civil Service?—Apart from the question of annuity deductions and the amount of pension, the present system of equal annuities to all members of the Indian Civil Service is generally accepted as satisfactory.

40725 (119). Would a non-contributory system of superannuation pensions, varying in amount with the amount of salary

drawn at the time of retirement, be preferable in the interests either of the Government or of the members of the Indian Civil Service?—The comparative merits of the present system and of a non-contributory system of superannuation pension must depend entirely upon the maximum fixed. If the general provision of Article 474, Civil Service Regulations, were applied to the Indian Civil Service, an officer who retired after 25 years of completed service as a first grade Magistrate and Collector would have earned a monthly pension of thirty-sixtieths of Rs. 2,250, and this converted at the privileged rate of 1s. 9d. (which Lord Inchcape's Committee did not propose to alter in the case of other services) would be equivalent to a sterling pension of £1,181 *per annum*. But as, *ex hypothesi*, deductions would no longer be made, the annuity value of the aggregate contributions now paid must be taken into account. In the earlier correspondence on the subject mention is made of £500 and £400 as the portion of the pension contributed by the officer, but this includes contributions made by those who die before retirement and of those who serve for more than 25 years. The annuity value of the contributions levied from an officer whose total service amounted to 26 years, of which 21 years are active service, is much less than this and lies between £100 and £150. If, therefore, the present maximum of £1,000 were retained, a non-contributory system of superannuation pensions would be welcomed by members of the Service, and having regard to the pensions earned in other services this maximum is not unreasonable. It is suggested, therefore, that the contributory system should be abolished and that members of the service should be admitted to the benefits of the General Provident Fund, contributions being limited to four per cent. of salary. These contributions, which would accumulate at compound interest, would stand at the credit of the subscriber and would be available for payment to the subscriber or his heirs at retirement or death and available for withdrawal in special cases. Officers whose service exceeds 25 years would thus reap the benefit of their own subscriptions, while the payments made by an officer who died before retirement would not be lost to his heirs.

40726 (120). Assuming the maintenance of the annuity system, do you suggest any modifications in its detailed working, and, if so, what, and for what reasons?—If the annuity system be retained it would be desirable that an actuarial examination of the whole position should be made in order that it might be ascertained what portion of the annuity is contributed under the present system by Government and what portion by the officer. When the former amount is known it should be compared with the amount of superannuation pension earned under a non-contributory system in other European services and if necessary raised.

40727 (122). Do you consider that a similar system should be applied to the cases of high executive officers, and if so, to which?



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Please state the amount of pension and the conditions which you recommend as suitable?—The objection to the grant of special pension to holders of high offices is that senior officers would be induced to remain in service with the result that promotion would be retarded. An exception might, however, be made in the case of a Lieutenant-Governor whose expenses are exceptionally high and whose pay (Rs. 1,00,000 *per annum*) bears such a marked contrast to an annuity of £1,000. An additional pension of £100 for each completed year of service as Lieutenant-Governor would not be an unreasonable concession.

40728 (124). Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?—The proposal made by the Government of India in paragraph 2 of their Despatch No. 20, dated the 19th September 1912, to the Secretary of State, that in such cases the scale laid down in the case of officers who are forced to retire on account of ill-health should be adopted as a standard is suitable.

40729 (125). Do you consider the existing pension rules suitable in the interests both of the Government and of the members of the Indian Civil Service? In particular, what is your opinion of the present rules regulating voluntary and compulsory retirement?—The rules regulating retirement are suitable.

40730 (127). Do you approve of the present system regulating the pensions of Statutory Civilians? If not, what do you suggest?—The present system seems suitable.

40731 (128). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Services holding listed posts? If not, what do you suggest?—The present system under which a member of the Provincial Civil Service holding a listed post cannot earn a pension of more than Rs. 5,000 *per annum* is unsuitable. A selected officer holding a prize appointment of this kind should at least be allowed either to earn a maximum pension of Rs. 6,000 or should be eligible for an additional pension of Rs. 1,000 a year under Article 475. I would, indeed, in view of the great importance of increasing the attractions of these posts and so improving the conditions of the Provincial Civil Service, to which they are attached, raise the maximum to Rs. 7,500.

40732 (129). Do you accept as satisfactory the regulations of the Indian Family Pension Fund, or have you any suggestions to make either for their abolition or for their alteration? Have you any proposals to make in regard to the present methods of working such regulations?—The regulations and working of the Fund are satisfactory.

40733 (130). In particular do you approve of the exclusion from their benefits of "Natives of India," who are members of the Indian Civil Service? If not, under what conditions would you admit them, having re-

gard to the main differences between their social conditions and those of the European members on which the present system is based?—There is no objection in principle to the admission of Indian members, and it is desirable that in this respect no distinction should be drawn between European and Indian members. But as payments are calculated on the vital statistics of European members, it may be that the admission of any considerable number of Indians would have the effect of altering those payments. Admission should therefore be coupled with the condition that if after a period of years this was found to be the case, differential rates would be imposed. This would necessitate the maintenance of separate accounts, but this would present little difficulty.

40734 (131). Do you recommend that such admission should be optional or compulsory?—On the whole it would be preferable that admission should be optional, the option to be exercised at the time of signing the covenant.

40735 (134). Have you any criticisms to make on the facilities at present offered (a) to statutory civilians; (b) to members of the Provincial Civil Services holding listed posts; for providing for their families against their decease?—These officers are entitled to subscribe to the General Provident Fund and no further facilities appear to be required.

*Written answers relating to the Provincial Civil Service.*

NOTE.—These answers relate to the Executive Branch only.

40736 (1). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—The conditions are suitable.

40737 (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—The present system of appointment by nomination is not, I believe, popular and I see no danger in modifying the system so as to provide that of the vacancies available any proportion up to one-third should be filled by promotions from the Subordinate Executive Service, up to one-third by nomination, and up to one-third by selection by examination from among candidates nominated by Commissioners, District Officers and Heads of Departments. Under such a system it would be possible to secure the representation of all interests and there is

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no reason to suppose that there would be any deterioration in the standard of recruitment.

40738 (8). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—Such representation is highly desirable. The present system of pure nomination fully secures this object, but the modified system outlined in the answer to question (6) would not prejudice the representation of backward classes.

40739 (17). Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—The present system under which promotion up to a certain stage is governed by seniority and thereafter by selection is suitable. It is desirable that Government should be able to retire compulsorily an inefficient officer, but this is not so necessary as in the case of the Indian Civil Service.

40740 (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—The system is satisfactory, but selection for such posts should be made earlier than has been the case in the past and ordinarily after an officer had served about 12 years. He would then be 35 or 37 years of age, and if "of proved merit and ability" should be of sufficient age and experience to hold charge of a superior appointment.

40741 (20). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service? If not, what change would you suggest?—On the whole I think the balance of advantage is in favour of specially listing inferior posts and not merging them in the cadre of the Provincial Civil Service, although it must be admitted that there is much to be said on both sides. It is true that Deputy Magistrates do much the same work as Joint Magistrates both at subdivisions and at headquarters, and it might be invidious to select a very junior officer to hold an inferior listed post the duties of which in no way differed from those performed by a member of the Provincial Civil Service. But by merging the listed posts in the cadre the benefit of the concession is to some extent lost, and some doubt must exist as to the total number of posts listed. Apart from the fact that selected officers would appreciate the distinction of being styled Joint Magistrate, there would be some advantage in appointing really promising officers to these posts early in their service. They would draw increased pay and would in reality be on trial for higher posts. The objec-

tion to the listing of inferior posts specifically is that the field of selection for higher posts might be narrowed and that members of the Provincial Civil Service who were not selected early in service for listed posts might become discouraged.

40742 (22). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—The principle is suitable.

40743 (24). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—I do not think that the conditions of service are sufficiently attractive to secure the best recruits and, having regard to the important work done by the Provincial Civil Service and to the not unreasonable dissatisfaction which now exists among its members, I consider the improvement of pay and prospects to be an urgent and necessary measure. Proposals to secure these objects are made in the answer to question (25).

40744 (25). Are you satisfied with the present system under which officiating promotions are not made in the Provincial Civil Service? If not, what alteration do you recommend?—The introduction of the system of officiating grade promotions is not recommended. But some improvement is necessary in the conditions of service. Apart from the fact that since rates of pay were fixed the cost of living has increased, promotion is extremely slow, and to enable an officer to earn the full pension it is frequently necessary that he should be granted extensions of service. If recruitment is to be improved, and if the Provincial Civil Service is to occupy the same relative position to other Provincial Services as the Indian Civil Service does to other European Services, pay and prospects should be improved, although it is recognized that the expenditure involved would be considerable. Revision might be effected either by the adoption of more favourable grading and the addition of a grade on higher pay or by the introduction of a suitable time-scale.

40745 (26). What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service, or not?—I strongly recommend the introduction of a time-scale of salary. The well-known advantages of such a system have been referred to in the answer to question (99) of the Indian Civil Service series. But as it is necessary to draw a clear line of division below which promotion would be governed almost entirely by seniority and above which promotion would be given entirely by merit, the partial introduction only of the system is recommended. The conditions of service ought at least to be as favourable as

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those of the Provincial Forest Service, and revision might suitably follow the lines adopted in the case of that service in 1910. Taking Rs. 550 as the pay to which an officer (whose work and conduct was satisfactory, but whose merit was not conspicuous) should rise in his sixteenth year, the scale in force in the Provincial Forest Service would be appropriate. The initial pay would, as at present, after probation be fixed at Rs. 250, and this would be increased by annual increments of Rs. 20 until his sixteenth year of service an officer would draw Rs. 550. These increments would be liable to stoppage for unsatisfactory work or conduct. Thereafter promotion would be by selection only, and in regard to higher appointments two courses are open—the first to throw a certain percentage of the total number of appointments into fixed grades of Rs. 650, 750, 850 and 950, and the second to extend a modified time-scale to selected officers, permitting them to draw for stated periods pay at higher rates. The former course is perhaps preferable, but it is essential if that course be adopted that a reasonable percentage of posts should be thrown into the higher grades. The main cause of slow promotion and consequent dissatisfaction in the Service is that, taking the provinces as a whole, only 11 per cent. of the number of appointments fall into the three highest grades. This is inadequate, and it is doubtful whether the legitimate requirements of the Service would be met if the percentage were less than 15. This in the case of Bihar and Orissa would be equivalent to 33 appointments which might be graded as follows:—

1st grade, Rs. 950	.	.	.	3
2nd grade, Rs. 850	.	.	.	6
3rd grade, Rs. 750	.	.	.	9
4th grade, Rs. 650	.	.	.	15
				33
				—

A further concession recommended is that an officer holding charge of a subdivision (including a *sadr* sub-division) should be granted a monthly allowance of Rs. 30. The annual cost of revision on these lines would be in the neighbourhood of 2 lakhs. But at the outset the annual cost would probably be higher. The average monthly pay would be increased from Rs. 377 to Rs. 446.

40746 (30). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—The proportion is suitable, but it is desirable that appointments to listed posts should ordinarily be made when officers have served not more than 12 years. If a time-scale be adopted for the Indian Civil Service, it would be also necessary to place an officer holding a listed post on a time-scale. A fair arrangement would be to fix the pay at 60 per cent. of the pay drawn by a member of the Indian Civil Service of the same service

and to grant increments and charge allowances in the same proportion. Sixty per cent. and not two-thirds is suggested after taking into account exchange compensation allowance and annuity deductions.

40747 (34). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—The rates are suitable.

40748 (35). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable?—The limits now fixed by Articles 341 and 342, Civil Service Regulations, are suitable. If the reorganization suggested in the answer to question (28) were effected, members of the Provincial Civil Service would necessarily be entitled to higher leave allowances than at present.

40749 (36). Have you any recommendations to make in regard to special leave, extraordinary leave without allowances, and other forms of leave? Do you consider that the present conditions governing these kinds of leave, and the leave allowances admissible, are suitable?—A redraft of section VI of Chapter XI (general conditions of leave—combination, extension and commutation of leave); of Chapter XII (short leave) which apply to all Services has recently been circulated for opinion. The alterations recommended by the Government of India appear to be generally suitable.

40750 (37). Generally speaking, do any of the present leave rules applicable to the Provincial Civil Service cause inconvenience to the Administration, and, if so, what; and what remedy do you suggest?—No inconvenience is caused.

40751 (38). In particular, are they a contributory cause of excessive transfers of officers, and, if so, how can this difficulty be met?—The present rules do not lead to excessive transfers.

40752 (39). Do any of the present leave rules press hardly in any way on officers of the Provincial Civil Service, and, if so, in what respects? What is, in your opinion, the appropriate remedy? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—A reference from the Government of India on the subject of the modification of Chapter XIV of the Civil Service Regulations has recently been circulated for opinion. If effect be given to the proposals which have been made, any grievances which now exist regarding the grant of medical leave, ordinary furlough and special leave, would be removed.

40753 (40). Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?—The present system is satisfactory.

40754 (42). Do you approve of the grant of reduced pensions for such officers as may be found to be inefficient but whom it may be difficult to retire without some provision

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for their subsistence? If so, what do you suggest?—The provisions of Article 353, which limits the allowance to two-thirds of the pension admissible if the officer had retired on medical certificate, are suitable.

40755 (43). Do you approve of the present system regulating the pensions of officers of the Provincial Civil Service holding listed posts? If not, what do you suggest?—Already answered under question (128) of the questions relating to the Indian Civil Service.

40756 (44). Do you consider that the existing rules governing the voluntary and compulsory retirement of members of the Provincial Civil Service are satisfactory? If not, what changes do you recommend?—The existing rules are suitable.

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40758. (*Chairman*.) You are a member of the Indian Civil Service of 22 years' standing and are now Financial and Municipal Secretary to the Local Government?—Yes.

40759. How long have you held that position?—In this province a year, and previously in Eastern Bengal since the beginning of 1906.

40760. You think that the present system of open competition yields, on the whole, good results, and you think the reason for any deterioration in the standard of recruitment which may have occurred is due to a falling off in the attractiveness of the conditions of the Service?—Yes.

40761. I take it, therefore, you consider that improvements in the conditions of the Service would be the best means of remedying whatever evil may exist in that direction?—Yes; if it is proved that the Service is less popular than it used to be.

40762. But you are not at present prepared to accept the belief that the Service is less popular than it used to be?—I am only prepared to give an opinion that it is less popular. The opinion at home is more important, probably, than the opinion in this country.

40763. You admit that Indian youths are handicapped under the existing rules of the system of recruitment?—Yes.

40764. But you would reject any sort of simultaneous examination or separate examination, and you would rather improve the pay and prospects of the Provincial Civil Service and increase, if necessary, the number of listed posts?—Yes.

40765. You are not prepared for any form of prescription of a minimum number of appointments for Europeans?—No, mainly because any proportion would not hold good over the whole country.

40766. Could you tell us in what respects your proposals in regard to recruitment constitute an advance upon the present position?—In only one respect, namely, that the recruit would arrive in India earlier. At present the age is 25 to 26. If the age were slightly lowered, he

40757 (45). To what extent do members of the Provincial Civil Service subscribe for the benefit of their families to the Government General Provident Fund, or to other official or officially recognised funds? Are any further facilities required, and what arrangements of this kind do you consider to be necessary?—Out of a total of 222, ninety members of the Provincial Civil Service subscribe to the General Provident Fund as follows:—

At the rate of 12½ per cent.	43
At the rate of 9½ per cent.	5
At the rate of 7 per cent.	1
At the rate of 6½ per cent.	41
	90

The facilities offered are sufficient.

called and examined.

would arrive in India at 23. I think there might be some advantage in that.

40767. Do you think that that earlier age would deter Indians in any way from going to England?—I do not think so. We do not go back to the 17 to 19 sealo.

40768. Are you aware of, and impressed with, the demands which have been made by the educated classes for increased opportunities?—Yes.

40769. Do you not think there is a political aspect to this problem as well as the administrative one of efficiency?—Most certainly.

40770. Would not your objection to pure competition as a means of selection to important posts in India be met by some system of competition amongst nominated candidates?—I do not like that system. I prefer to develop the listed posts system.

40771. Would not any increase in the number of listed posts tend to create difficulties for the existing members of the Civil Service?—I think that in each Province the time has come to consider, taking each superior appointment separately, whether it ought to be listed or not, on the merits of each post, and the result would certainly be that the proportion of the total cadre posts would vary in each province. That is necessary.

40772. How would you protect any vested interests which the Civil Service might have?—By the mere fact of seeing whether the post could be listed or not, *i.e.*, whether it could be held by an average, not a picked, Provincial Civil Service officer who was selected. Then there is no reason why it should be reserved, because the selection of that post is an admission that it can be held by an officer promoted from the Provincial Civil Service.

40773. We have had instances in other provinces of the difficulty in regard to what may be termed the vested interests of the Civil Service. If you increased the listed posts, and at the same time were desirous of avoiding any undue encroachment upon those vested interests, would you not run the risk of delaying your promotion to listed posts unduly? Might you not have

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to wait until such time as the posts which have been taken out of the Civil Service have been regularised?—Quite so. They would have to be absorbed gradually. That is all subject to the essential condition that the British element must be maintained, and the British method of administration.

40774. Would not that very delay which would be entailed, this being the only means of increasing the number of Indians in the Service, be an additional source of complaint on the part of those who are asking for further facilities for admission?—I think it would. But the complaint would disappear very shortly, because vacancies would arise as retirements take place. The additional posts which might be listed would be absorbed very rapidly.

40775. I will put to you another aspect which has been put to us. You would suggest that young men should be moved up with comparative rapidity into these superior posts; that they should reach them at about 35?—Yes, that is, roughly speaking, after ten years' service.

40776. Do you see any danger in that scheme of causing discouragement and discontent among the rank and file of the Provincial Service, those who are left behind and have not the opportunity of attaining those posts?—Yes. I have no doubt there would be individual discontent merely because someone else was selected to the post. But I think it would add to the attractions of the Service as a whole, not only to choose officers earlier, but also to improve the conditions of the Provincial Civil Service. I think the two things must go together, otherwise you do not widen the field of recruitment for the Provincial Civil Service. I think the first thing to be done is to improve the Provincial Civil Service in order that you may have a better field of recruitment for the listed posts.

40777. Would the reaching of superior posts at the age of 35 give the officer time before his term of service expired to move up to the higher posts?—The proposal I make is that he should be brought on to the time-scale of the Civil Service at a proportion of the pay of an officer of that Service of equal standing, and then he would automatically rise. At present it is very difficult for a listed-post officer to rise to the first grade if he is selected late in his service.

40778. You start him at the bottom of the Civil Service?—He now stands at the bottom of the third grade. If he were transferred to a time-scale, after being selected at ten years' service, he would draw two-thirds, or whatever the proportion might be, of the pay drawn by the Indian Civilian of that standing. If he was selected at twelve years, he would draw the pay drawn by a twelve years' officer. Therefore he must automatically rise to the top.

40779. When he has been incorporated into the Indian Civil Service, do you propose to pay him the Civil Service salary, or keep him at two-thirds?—Keep him at two-thirds.

40780. You really think that, as a form of additional recruitment, that will satisfy public opinion in India?—I doubt it extremely. I think it is a fair solution of the difficulty; but I think, probably, it would not satisfy the demands which would be made.

40781. You think that eight years should elapse before an officer should attain to a superior post under the present age: that would make him thirty-three, would it not?—Yes.

40782. We have had a good deal of evidence in favour of getting officers into more or less permanent charge of a district at the age of thirty. Do you agree with that view?—I see no reason why they should not be in charge of districts at thirty.

40783. Do you regard it as an important advantage that an officer should attain a permanent position at thirty?—It all works in together: the age at which he arrives, the age at which he gets his district, and the age at which he retires.

40784. It is an important improvement, is it not?—Yes. I may say that I think it would be a little over thirty, even if he came out at twenty-three; perhaps it would be about thirty-one.

40785. You are in favour of a time-scale?—Yes.

40786. As I understand, your view is that you would let an officer's salary go on increasing?—Yes.

40787. Whether he was fit for a superior charge or not?—By no means.

40788. I cannot have read your answer to question (99) correctly. Perhaps you would explain briefly exactly what that system is with regard to a time-scale?—Perhaps I could explain it best by taking our own cadre. We have in this province 109 cadre posts, and if these proposals which I have roughly outlined were applied, 94 of those posts would be time-scale posts, and 15 would be selection posts. I leave out of account the question of the enhancement of rates. It is quite a different question. Assuming that the cost of the time-scale will be the same as the cost of the graded system, the problem then is to arrange the 94 posts on a time-scale starting with an initial pay of Rs. 425, and going up to, say, 22 years' service, with the allowances which I propose for District charges and so forth, without causing any increase in cost. I find on a rough calculation that a Rs. 85 increment would produce that result. I would rather not commit myself to that figure. It is a very rough calculation, Rs. 85 increase per month per year. The scale might be varied by having a larger or a smaller increment in the first few years of service, and a different increment for the remainder of service. Each officer would draw the pay of his year. If he held charge of a District, or Sub-Division, or a Judgeship, or any specified appointment, he would draw an allowance. If after being given a trial he were declared to be unfit to

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hold charge of a District, his increments would be stopped, and he would continue on the same rate of pay as at present.

40789. He would neither get the increase nor the automatic increment?—He would get nothing more. The alternative would be to retire the officer compulsorily. That would be the extreme step. I propose that the scale should run up to twenty-two years of service, merely to continue the existing conditions. At present, once an officer is declared fit to hold charge of a District he goes through the grades automatically. There is no question of selection until the time comes to decide whether he is fit to be a Commissioner or not. I think for many reasons it would be undesirable to introduce any new method of selection. Selection is now exercised at two periods of a man's service: first, when the time comes to hold a District charge, and, secondly, when the time comes to hold a Division. I would continue existing conditions, and allow a man to run up on a time-scale to about twenty-two years of service. That would cost no more than at present. The precedent for this is in the Foreign Department, where there is a rule that if after a certain number of years' service an officer is definitely declared unfit to hold a definite charge his pay is limited at Rs. 850. A similar rule would solve the difficulty with regard to inefficient officers.

40790. We have had it suggested to us that no officer should draw more than Rs. 1,500 unless he held a superior charge?—Is that proposal that above Rs. 1,500 there should be grades?

40791. Yes. The time-scale would stop there?—It is a new principle, to introduce any process of selection after an officer has been declared fit to hold a District, and Rs. 1,500 seems in any case much too high. I do not think that an officer would be entitled to Rs. 1,500 if he is not fit to hold charge of a District.

40792. Under this proposal there has been a selection process prior to Rs. 1,500?—I have said that I do not like any more selection than there is at present. I hope I have made it clear that between the District stage and the Commissioner stage there is no selection at present. The officer is entitled to run through the grades by seniority, leaving out of account cases of gross misconduct, which are dealt with separately. There is no selection, and if a time-scale stopped at Rs. 1,500, and then there were grades between that and the Commissionership stage, selection being introduced, I think it would be an entirely new principle.

40793. Your proposal is for an automatic increment under a time-scale, and allowances added to the pay of the officer?—I propose these allowances because they must vary. I think the officer holding a District or Judgeship, and an officer holding an important Department, must necessarily draw different rates of pay.

40794. You allow Rs. 250 to a District Officer?—Yes.

40795. Is that all the distinction you draw between the two officers, one of whom has been passed over and the other has been appointed?—Yes. But in addition to the Rs. 250 allowance, the distinction is that one man's pay is stopped and the other man's pay is increasing every year.

40796. With the absence of promotion to the post comes the stoppage of the increment?—Yes. The pay of the selected officer goes on automatically increasing.

40797. In answer to question (119) you say,—“The annuity value of the contributions levied from an officer whose total service, amounted to 26 years, of which 21 years are active service, is much less than this and lies between £100 and £150.” Could you tell us upon what you base this calculation?—I got this calculation worked out in the accounts office. I have got it here. What is known as the assumed pay was taken. The assumed pay runs from Rs. 400 up to Rs. 2,500 in the twenty-sixth year of service. The object of taking a period of 26 years was that the whole of the five years' furlough might be included. The annuity contribution in each year was calculated and the amount was compounded at 4 per cent.: 25 years, 24 years and so forth. In this particular case the officer was supposed to be on furlough in the ninth and tenth years. There is no annuity contribution when the minimum furlough allowance is drawn. The final result was that he had accumulated £1,730 after 26 years' service; and from some Insurance Tables we had, assuming that the officer was about fifty, he could purchase an annuity of £117.

40798. So that if your calculation is correct the State is already paying £800 or £900 a year of the pension, and the officer is paying only from £100 to £150?—That is rather a different point of view. This is a point of view of the individual who retires after 25 years. The point of view of the State is different because the State takes all contributions received from officers who die and also all contributions received from officers who extend their service beyond 25 years.

40799. But as regards the officer who retires at the end of 21 years' active service the State has contributed £800 or £900 a year as against his £100 or £150 on your calculation?—Quite so. But it is hardly fair to take the individual case when the State obtains from other members of the same Service 4 per cent. from those who die, and 4 per cent. from those who extend.

40800. It shows the great disproportion of the contribution as between the officer of long service and the officer of short service?—Yes.

40801. You ask for the abolition of the 4 per cent. deduction towards the pension and its devotion towards the General Provident Fund. Supposing the latter were proposed, would you agree to any deduction in the £1,000 pension?—I think it would be a pity to disturb the £1,000 pension. It is a round sum which has an important influence on recruitment, and even though you might produce exactly the same

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result by saying "we will give a pension of £850 with a compulsory Provident Fund," I think it might seriously affect recruitment.

40802. This alternative proposal would mean that, whereas at present you get £1,000 income every year, under the General Provident Fund you would have the option of having at your disposal on the expiration of your service, either an annuity to make up the £1,000, or else to use the capital for your own purposes?—I have mentioned that at the end of his service this officer would be given a pension of £1,000, and he would have at his credit £1,700 to do what he likes with.

40803. That is a great advantage?—Yes.

40804. Speaking broadly, in what order of urgency would you rank the various proposals you have made for the amelioration of the Indian Civil Service conditions, if it came to an alternative?—I should put the time-scale first; and, I think, the increase of the furlough allowance second; and probably the pension third. When I say a time-scale, of course that costs nothing. I mean an all-round enhancement of rates.

40805. You estimate that it will cost nothing?—Mere substitution would cost nothing. It is like a re-distribution of land revenue.

40806. You are prepared to agree to competition to the Provincial Civil Service by competition amongst nominated candidates?—Up to a certain proportion, one-third.

40807. Would you agree with a proposal which has been put to us by the Chief Commissioner of the Central Provinces and other witnesses to have the nomination made by a Board containing a non-official element?—It is an entirely new idea. I do not like to give an opinion upon it off-hand.

40808. The Board to consist of certain Government officials and certain non-official gentlemen?—I am afraid I have not thought that out.

40809. You lay stress upon the inadequate salaries of Provincial Civil Service officers?—Yes.

40810. With regard to your proposals in answer to question (26), are there no posts other than the sub-divisional officerships which carry markedly increased responsibilities without extra emoluments?—I do not think so, because there are allowances attached to special appointments, such as Land Acquisition officers and Assistant Settlement officers.

40811. In all instances they enjoy the additional emoluments?—The proposal covers *sadr* sub-divisions. It is rather important. The senior deputy at head-quarters should get an allowance as well as the sub-divisional officer.

40812. (Sir Theodore Morison.) I understand your time-scale, as you have given it to us, is only a distribution of existing pay?—Yes.

40813. There would be no increase of emoluments from the Service?—Quite so.

40814. You do suggest it would be desirable that there should be a rise in pay?—Yes.

40815. Can you give us any idea of the sort of thing which is in your mind on the same principle as the time-scale? If you worked out a time-

scale to cost exactly the same as the present graded system, and if it were decided on separate grounds that a 10 or 20 per cent. all-round enhancement were necessary, you would only have to increase your rates by 10 or 20 per cent.

40816. What is the enhancement?—I am not prepared to support it by figures. I had in my mind 20 per cent.

40817. You have generally recommended an enhancement: I did not know what sort of figure you recommended. Would it be 20 per cent.?—Yes.

40818. Supposing your various recommendations are adopted, do you think [I am referring to your answer to question (110)] you would retain, or think it desirable to retain, the privilege rate of exchange at 1s. 6d. the rupee for furlough allowance?—Yes, the privilege rate went with the exchange compensation allowance.

40819. You have proposed that it should be merged in salary?—It should be continued.

40820. I do not follow that?—Leaving aside the question of the enhancement of rates altogether, if you keep the existing rates, merely substituting the time-scale, you merge the exchange compensation allowance into pay. That I do not think is any reason for withholding the privilege rate of furlough allowance.

40821. Why not? You get half of it back. It will come into your salary, and therefore it will be an element in calculating your furlough allowance. You would not recommend it?—I think there would be a ground for re-considering the rate of exchange.

40822. Not more than that?—I am not prepared to go further than that.

40823. How do you defend the pay of higher furlough allowances to people who take their furlough out of India? Do you think it is any longer defensible? Why should you pay a man more if he goes to England instead of staying in India? It practically comes to giving him 11½ per cent. more. Is there any reason for that now?—I think there would be strong reason for reducing it because it is removing an existing privilege.

40824. A privilege which may be merged?—The whole thing might be merged in an increase of pay; and that would carry with it increased allowances.

40825. There is another of these artificial rupees, the 1s. 9d. one, which I see you also retain. That is in your answer to question (119). If you were to apply the thirty-sixtieths to the Treasury rule, it would work out to something like the present annuity of £1,000 a year?—The first grade Magistrate has Rs. 2,250 a month. Half of that is Rs. 1,125. Converting that at 1s. 9d. the result is £1,181.

40826. From which you deduct £150 for his own contribution, leaving a net £1,000 annuity given by the State?—Yes: that is to say if these provisions were applied.

40827. Your calculation all turns upon a rupee which is worth 5d. more than the actual rupee?—Quite so. That is a privilege given to



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all uncovenanted officers; and I hardly know why it should be withheld from one Service.

40828. That is a concession to uncovenanted servants because their Rs. 5,000 pension was recognised to be wholly inadequate; and an indirect way of doing it?—Yes.

40829. But it arose, surely, out of the fact that the Rs. 5,000 no longer represented the pension which many of them had expected?—That is so.

40830. The 1s. 9d. rupee surely was given to compensate people with very small pensions; and there is no justification, is there, in carrying it into the Civil Service when the question of increasing their pension has never been considered?—It is purely fictitious. We are considering regulations which do not apply to the Civil Service. In considering non-contributory pensions one must apply rules to see what the results will be.

40831. The existing rules do not apply. The 1s. 9d. rate does not apply to the Civil Service?—No, but I think it has been admitted that the 1s. 9d. rate should be continued in the case of all European Services.

40832. All uncovenanted Services?—All the services are now enjoying that privilege. They are all probably uncovenanted.

40833. Anyhow, it refers to people like the Education Department?—Yes, and that privilege is now continued.

40834. Do you think that they are given the privilege of the 1s. 9d. rupee or that their pension has been raised to something like £450?—I think it is compensation for the fall in the value of the rupee. The maximum of Rs. 5,000 a year was fixed at a time when the rupee was worth a good deal more than it is now. If we come under that rule, if our pension was calculated on the rupee basis, obviously the 1s. 9d. rate ought also to apply.

40835. As you remark, the compensation was given to them for the fall in the exchange which reduced the value of their pension. The Civil Service pensions were calculated in sterling?—That is why I proposed sterling rates should be continued: the round figure.

40836. I must say the additional 5d. seems to be a little difficult to justify. With regard to a question put to you by the Chairman, what would you say to a pension of £850 paid by the State plus your own contribution in the Provident Fund?—Probably in practice it would be an advantage; but I think it would be a pity to introduce it. It would be an advantage in this way, that an officer who served thirty years would still get his £850, and the value of his accumulated contributions would be worth possibly £300 or £400; and similarly in the case of an officer who died the widow would get it. Although that all makes to an advantage, I would not reduce £1,000. I would prefer to get it. There is a glamour about that £1,000 as a round sum.

40837. Did not the Treasury make some alterations recently in their thirty-sixtieths rule by which they pay a man a lump sum in addition

to so much pension when he retires?—You mean an Indian Civilian: I did not know of that.

40838. (Mr. Abdur Rahim.) I should like to know what would be the means of judging whether the attractions of the Civil Service have, in fact, declined in any way?—I should say that possibly the evidence from two sources would be valuable. First, the evidence of the members of the Service who are called upon to decide in the case of their sons or advise their friends regarding their sons; and secondly, the evidence of possible recruits in England.

40839. Supposing the class of recruits we have been getting in the last five years are from the same class as those we have had before, would that be a good index showing whether these attractions to the Service had fallen off?—It would be very valuable evidence.

40840. And for that purpose you suggest that we must take evidence in England in order to come to a proper conclusion?—I think valuable evidence could be obtained in England from candidates about to appear from the head-masters of schools, and so forth.

40841. I suppose there will be another way of arriving at a proper conclusion on a question like this, to compare the attractions of the Indian Civil Service with those of other Services either in England or the Colonies?—Quite so. Such as the Home and the Colonial Civil Service. It is only hearsay, but I understand that the highest men in the list have chosen the Home Civil Service in preference to the Indian Civil Service. In my time it was the other way about.

40842. That would be some indication?—It might mean that the Home Civil Service has gained in attractiveness and not that the Indian Civil Service has lost in attractiveness. The relative positions may have changed.

40843. As regards the evidence upon that point, I think it is confined only to the last year or two: I do not think it goes very much further?—It has been very gradual. It is only what I have heard, that there is a distinct change now.

40844. As regards how much the State contributes towards the pension, I suppose it will not be difficult to arrive at a correct estimate if you take the history of the Service for twenty-five years and find out how much has been contributed?—It would be very easy to make the calculation. I suppose, on the one hand, you would take the total number of pensioners and on the other hand you would take the total annuity payments throughout the Service. I think it is desirable that a calculation of that kind should be made.

40845. It would be easy?—Extremely.

40846. (Mr. Madge.) You object to any recruitment for the Civil Service under different conditions?—Yes.

40847. In that case you would strongly object to recruitment from the Provincial Civil Service to the Indian Civil Service, which has been recommended by some experienced officers on the ground that in this country you have tried and



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tested the men and know them, and that in the other case there is a leap in the dark. In spite of that you would object to it?—Yes.

40848. Everyone will agree with you about the great advantages of a preliminary period of residence in England; nevertheless there have been some very striking exceptions to this rule. Has it ever occurred to you to devise any method by which you could on the one hand attract this class of exceptional talent, and on the other provide a test of examination which would satisfy the public?—The only solution I have heard is a system of scholarships by which the State would send that person home to be educated.

40849. But there have been cases in which there is no reason to doubt that these men could have gone home if they chose: they were sufficiently well-off?—If the door is open and they do not choose to enter, there is nothing more to be done.

40850. You cannot provide attractions and draw them into the Public Service instead of following independent careers?—Under the existing rules they can up to the extent of one-fourth be selected for listed posts.

40851. I am not referring to any obstacles. I want to see if there is any way of providing attractions to draw them into the Service?—I think an improvement of the conditions in the Provincial Civil Service would have the effect. Whether it would attract the exceptional person or not, I do not know.

40852. You have never thought of providing any means by which that might be done: I am speaking of first class talent such as you hear of being drawn off to Native States sometimes?—I do not think one can fix the conditions of service to provide for the exceptional case.

40853. You have made reference to the line drawn between the inferior and superior appointments at the period of eight years' service. Will you correct me if I am wrong in thinking that this line is such a fanciful one (it reminds me of what you would call an average high tide which is of no use to any pilot of a particular vessel of a particular draught) that it is of no use in many cases because many officers have not risen to superior posts in spite of their eight years' service?—The advantage of the line would be that it is impossible to calculate the number of cadre posts for a given number of superior posts unless you have decided upon the line. You must decide upon a period of training.

40854. I want you to consider it from this point of view. You are in favour of a time-scale; but how far would a time-scale remove those individual cases of grievance which are arising because officers have not risen to superior posts?—That is one of the reasons for recommending it. You must adjust your increments properly. If you start at Rs. 425 and increase by Rs. 75 or Rs. 85, you would automatically reach the Rs. 1,000.

40855. That is one of your reasons for adhering to it?—Yes.

40856. You have referred to an individual case in which the State contributions on a person retiring would be larger than his own contributions, but as a rule all contributions are pooled and the average contribution of a Civilian is practically half of what he gets?—That I do not know. I do not think that anyone knows because the Fund has been abolished. The annuity contributions are now ordinary items of receipt. I believe I am right in saying that no separate account is kept of them.

40857. Has not a guess been made at the proportion? My reason for asking this question is that the prospect of getting this £1,000 is practically fictitious: that is to say that you contribute almost or quite as much as the State gives you?—That statement has been made.

40858. And from that point of view it is actually lower for the Civil Service than for some other services?—That statement has been made. It is only capable of proof by calculation.

40859. (Mr. Fisher.) In your answer to question (15) you suggest that candidates should go up for the Indian Civil Service Examination between the ages of 20 and 22. Why do you settle on those particular years?—It is really a compromise between the 17 to 19 period and the present period. I dislike the 17 to 19 period and I dislike the present period.

40860. Why do you dislike the 17 to 19 period?—I belong to that period myself.

40861. Why do you dislike it?—I think that the open competitive examination at that age takes so much out of a man that he is very much inclined to slack during the two years' probation.

40862. That was your experience and the experience of your friends?—I believe it was the case.

40863. Would there not be a difficulty if you put the age at 20 to 22; it would be between the school-leaving age and the University-leaving age?—Could not that be met by fixing the birthday date in the middle of the year?

40864. Would you not under your scheme be losing a certain number of promising public-school boys who leave school at 19 and could not afford to go to the University?—Unless they went, as they used to do, to crammers.

40865. Would you not put rather a premium upon boys going to crammers?—I do not think to anything like the extent as when the age-limits were 17 to 19. That was a direct invitation to go to crammers. The idea of putting it from 20 to 22 was that you would get men from the University.

40866. Would it not break up their career if, when they got to the University, they were confronted with the prospect of the Civil Service Examination half way through? Would it not be very costly?—If the subjects more or less covered the University course, I do not see why that objection should be made. I admit that the proposed age-limits are just on the border line. 23 would be more convenient. But why I object to 23 is because the officer comes out too

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late. I think there is an advantage in getting the recruit to India at 23. It is a balance of advantages, but it is possibly more important than that extra six months or a year.

40867. Do you attach much importance to one year's probation: you advise one year's probation?—There, again, I think two years would be better. But I do not suggest that because it would add another year to the age of arrival. I think if the study of law and especially of reporting were concentrated into that one year, it would be very beneficial.

40868. It occurred to me on looking at your answer to question (52) that you were asking your probationer to undergo rather an ambitious course of study for a single year?—That assumes two years' probation. He could not do it in one year. If the probationary period were limited to one year, he would necessarily concentrate on law and the vernacular.

40869. You would attach a great deal of importance to a better knowledge of law?—Yes.

40870. That really points to a two years' probation instead of a one year's probation?—I admit that a two years' probation is better.

40871. In your answer to question (94) you say: "Theoretically, local conditions should, to some extent, determine rates of pay." Do you mean that the pay of a Collector, for instance, should be determined by the character of his district, the cost of living in it, and the climate?—I rather refer to the difference of conditions between one province and another.

40872. What sort of local conditions had you in your mind?—The expensiveness of living chiefly.

40873. Do you think it would be practicable to graduate?—I do not propose that it should be done. I think it would be a great mistake to do it. I think the rates ought to be uniform over the whole of India.

40874. In your answer to question (45) of the Provincial Civil Service series, you say that out of a total of 222, 90 members of the Provincial Civil Service subscribe to the General Provident Fund. Would you be in favour of making the subscription compulsory upon all members?—I am inclined to leave that to the Service. There may be reasons which we do not know about, which induce one man to subscribe and another not.

40875. It has been suggested to us that the matter should be made compulsory?—It is a matter I would leave to the Service.

40876. (Mr. Chahal.) Supposing that the present age is reduced, and the reduced age is for any reason inconvenient to the Indian candidate appearing at the competitive examination in England, what would be the objections to permitting a slightly higher age in Indian candidates as compared with the age at which English candidates should appear?—I am not in favour of any differentiation in ages. I would rather keep the age uniform, even though it had to be raised to meet a difficulty of that kind.

40877. I want you to consider it from this point of view. Is it really differentiation? Supposing that 19 is the age at which to complete the University course for English boys, and supposing 20 is the earliest age at which an Indian boy can take his degree; then if you allow one year more to the Indian student you really only bring them on the same level?—That pre-supposes that the two courses are similar, that the Indian and English University courses are identical.

40878. That is another reason why the age should be put slightly higher, because after graduation from here a boy requires two years' study at home in order that he may be able to compete?—One strong reason for fixing the age is that it should be convenient for Indian boys to go home some time before the examination. The question of the Indian University age scarcely arises, does it?

40879. Is not the preliminary equipment required here an item for consideration?—That is the school training.

40880. The school training here I do not think is calculated to make matters easy, is it?—In the two cases the boys would start their work at the same age, and you would hardly make a differentiation at 16 or 17 when the examination age was 22 and 23.

40881. I quite see that if you say 21 or 22 for the Indian boy and 19 for the English boy there is no doubt a difference of age apparent; but if you take the conditions into consideration there might be reasons why, in order to bring the two candidates on the same level, you might permit a slightly higher age in the Indian boy than is desirable for an English boy?—I am afraid I am not in favour of that. I would keep the age the same.

40882. (Sir Murray Hammick.) In answer to question (28) regarding the Statutory Civilians, you say: "I do not consider that the system should be revived. If this were done, it would be necessary to abolish or reduce the number of listed posts, and the effect of this on the Provincial Civil Service would be disastrous." And then in answer to question (20) of the Provincial Civil Service questions, you say: "I think the balance of advantage is in favour of specially listing inferior posts and not merging them in the cadre of the Provincial Service, although it must be admitted that there is much to be said on both sides." If you recruited half the junior posts in the Provincial Service and put men into it on enlistment, would you not practically be reviving the Statutory Service?—I quite admit that the argument against a specifically listed inferior post is extremely strong. It is largely for sentimental reasons that I suggest they should be listed. I see the disadvantage.

40883. If you kept the listed posts as they stand, or even increased them as opportunity offered, but at the same time established this system which you suggest here in answer to question (22) of making a certain number of inferior posts available to Indians, and put them

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practically into the Civil Service, in fact reviving the Statutory Service under a different name, do you not think that that might, perhaps, offer a solution which would be more acceptable to the Indian community than the mere increasing of the listed posts?—I take it that if an officer in an inferior post was found unsuitable for a superior post he would revert to the general line of the Provincial Civil Service. The field of recruitment would be the Provincial Service.

40884. He would be at once put into the junior listed posts of the Provincial Civil Service, and given the title belonging to those listed posts; and, if he proved successful in those posts, he would rise, in the ordinary course, to the higher posts?—Yes. I would not specifically recruit an officer for the listed posts. I think that would be hardly fair to the Provincial Civil Service. I would improve the conditions of the Provincial Civil Service. I would try to improve the field of recruitment, and widen it, and from among the early recruits select officers for the inferior posts.

40885. If you started a separate Service altogether, something on the lines of the old Statutory Service, do you not think it would be possible to get a different class in the Service than you get now in the Provincial Civil Service?—I do not think so.

40886. Do you not think in these provinces that there are a certain class of people who do not get into the Provincial Civil Service who might be got hold of for the superior Service?—I have only been in this province a year, and I am not entitled to speak upon that.

40887. You have experience of Bengal, I suppose?—Yes. Speaking generally, there are no doubt such persons. They can be appointed at present under the rules up to the proportion of one-fourth: they may be appointed to listed posts. I know that the rule has never been applied.

40888. Government has never used that power?—They have never used the rule, but it is always there.

40889. I suppose you never knew enough about the Statutory Service to form any opinion as to why it failed?—No: except what I have read in the Report of the last Commission.

40890. Do you not think that that Statutory Service to a great extent failed because proper care was not taken in the selection?—I believe that was one of the main reasons.

40891. Because it seems to me, reading your evidence closely, that you seem to find the solution in this very Service which you have condemned so strongly in your answer to question (8); and your answer to question (20) seems to suggest that that is the line upon which you would rather favour any concession that you made outside the Civil Service?—I would rather have an elastic system, such as the listed post system with selection, and falling back where necessary upon the one-quarter rule rather than bind myself to any statutory system by which

you would be compelled to appoint so many officers each year. If it broke down before, it may break down again.

40892. At all events you think very possibly that opportunity which that one-fourth rule gives you may be used with great advantage?—I think if the opportunity offered it ought to be used.

40893. With regard to the scale which you have laid down in answer to Provincial Civil Service question (24), you no doubt remember that the Government of India years ago laid down an ideal scale for grading commonly known as the 'Barbour grading'?—That scale would apply to a service as a whole, but here we are dealing with a limited number of prize appointments, and we must take into account the age at which a man would be appointed to this Rs. 650 grade. These 33 posts would form quite a different Service from the Service to which you would put recruits at 25. We are really dealing with a selected number of posts.

40894. Your grading is on a different principle here?—Yes.

40895. You have reason to think that with this scale of yours you would produce a suitable attraction?—Yes; because it would possibly facilitate retirement. At present I believe that in very few cases a Provincial Service officer earns his full pension without getting an extension: it takes so long to get to the grade, half the pay of which produces the full pension.

40896. This scale of yours is made out with a view to prevent that?—Yes.

40897. To allow a man to get his full pension before he retires?—Yes.

40898. As regards what you have said to Mr. Fisher as to making the belonging to the Provident Fund optional, is it not the case in the Police that the belonging to the Provident Fund is compulsory on all members?—Yes.

40899. And the object of that, with regard to the Police, is to prevent what may almost be called the scandal of men dying in the service, and leaving widows and children absolutely unprovided for, without a shilling?—Quite so.

40900. Would not that apply very much in the same way to the Provincial Service, though, of course, not to the same extent?—The conditions are different. In the one case you are dealing with a European Service and in the other you are not.

40901. It is compulsory to locally recruited Deputy Superintendents, is it not?—I do not know.

40902. At all events, you do not think it is necessary?—I would take opinions upon it from the Service, and if there was a very strong body of opinion I would make it compulsory.

40903. (Mr. Maude.) Have you ever heard of a strong opinion of one of the members of the Provincial Service in favour of doing away with the pension scheme and having a Provident Fund instituted?—No; I have never heard that

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proposal. I should hardly think it would be to the advantage of the Service to have a Provident Fund and do away with pension.

40904. (*Mr. Hussain.*) In answer to question (26) of the Provincial Civil Service series you propose a time-scale of pay for the members of the Provincial Civil Service which would stop short at Rs. 550 ?—Yes.

40905. In answer to question (99) you say "There is no reason to suppose that a time-scale would in any way weaken the incentive to good work as the Local Government would be authorized to stop increments in the case of an officer whose work was unsatisfactory." Do you not think that that reservation would suffice to prevent idleness or incapacity even beyond the grade of Rs. 550 ?—No, I do not.

40906. Why not ?—Because it is a different thing to select specifically for a grade and to stop the increment. If the time-scale ran up throughout the whole Service with no prize appointments beyond, the tendency would be that the increments would be given automatically. They would only be withheld in the case of misconduct or grossly bad work. But by separating off a reasonable number of prize appointments you provide an incentive to good work.

40907. Supposing you insisted that the reporting officers should be particularly careful in reporting after a certain grade, say Rs. 550, and that they should not stop increment unless they were thoroughly satisfied ?—That is hardly feasible. You must have prize appointments at the top of every Service. I do not know that there is any time-scale without a number of posts.

40908. You do provide that in the shape of listed posts ?—That is quite separate. These prize appointments would never be held by listed-post men.

40909. Members of the Provincial Service have a number of prize appointments, namely, listed posts : therefore you need not offer another prize ?—I disagree. It is necessary to offer prize appointments in the Provincial Service.

40910. You want to make that the backbone of the Supplementary Civil Service : you want to offer greater attractions. Is this the way people will be attracted ?—I think so.

40911. You make the case worse, do you not ?—I think by raising the average pay of the Service from Rs. 377 to Rs. 446 you improve the attractions to the Service as a whole.

40912. There is a complaint as regards the block in promotion. We want remedies. Would one of the remedies you suggest be adequate to meet the situation ?—Yes ; I think it would meet it completely. With a time-scale a block in promotion is impossible, because up to a certain point every man gets his increment automatically.

40913. Even if you stop at Rs. 550 ?—Up to that point there cannot be a block.

40914. Supposing I were to ask you to trust the reporting officer after that point of promo-

tion ; at grade Rs. 550 ?—It is quite impossible to expect that for every member of the Service you should have a special report each year whether he should get his increment or not. It is quite impossible.

40915. As an alternative scheme you propose an increase of 11 to 15 per cent. in the higher grades ?—Yes.

40916. You know that in the Provincial Judicial Service the percentage of the higher posts carrying pay of Rs. 600 and over is 29 : and even then there is congestion, a block in promotion ?—But are not those higher posts for a different kind of work ? There are Subordinate Judges and Munsifs. We are dealing here with officers of the same class and doing the same work.

40917. In spite of the fact that there are 29 per cent. open for promotion in the Provincial Judicial Service, still there is a block in promotion : will therefore 15 per cent. relieve the block ?—I think so.

40918. How can it do so ?—It will certainly improve matters if you increase the higher posts from 11 per cent. to 15 per cent. ; and if you raise the rates of pay it must improve the conditions.

40919. Will it improve them materially ?—I think it will.

40920. At any rate, it will be beyond what the Provincial Judicial Service now is, because they have 29 per cent. of the higher grades. Would it not be better than what the Judicial Service now is ?—You can hardly compare the two Services when you are dealing with Subordinate Judges and Munsifs. It is true there is a large percentage of the total cadre who are Subordinate Judges. In this case we are dealing with Deputy Magistrates throughout the grades.

40921. The principle of promotion is the same. Even selected Deputy Collectors rise to Rs. 600 ; so that the principle of selection is the same in both the Services. If the principle of selection fails to relieve the block in promotion, do you think your 15 per cent. is capable of relieving the block ?—I think it would. I certainly thought when these proposals were prepared they would relieve the dissatisfaction which now exists.

40922. As regards the pay of the listed posts, you were asked whether the two-thirds system was satisfactory, and then you proposed a still further reduction to 60 per cent. May I ask you if that is the way to attract good men to the listed posts ?—You are aware no doubt that the two-thirds rule does not hold good in the case of pay fixed for listed posts at present. The pay attached to listed posts, as a matter of fact, is not two-thirds.

40923. We are considering the question of the relative attractions we are offering. If two-thirds pay attracts a certain number, do you think 60 per cent. will increase or decrease the attraction ?—The two-thirds is not given at present.

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40924. The third grade Magistrate gets Rs. 1,000 ?—I think I am right in saying that in all cases two-thirds is not given. I do not attach much importance to 50 per cent. or 60 per cent. You start on the broad principle that when the work is done by that agency two-thirds is a fair proportion. That, I admit, is arguable. If you accept that proportion, you must accept these allowances for exchange compensation allowance. If you merge the exchange compensation allowance in pay, and if you admit that two-thirds of the original pay is suitable, then, obviously, less than two-thirds of the pay, which includes exchange compensation allowance, is fair.

40925. Do you not think that the arduous nature of the work justifies increasing the pay of two-thirds ?—If what I have proposed in the case of the Indian Civil Service, if anything in the nature of an all-round enhancement of rates is accepted, that would benefit the listed-post men as they would automatically come into the time-scale at 60 per cent. of the enhanced pay.

40926. As regards charge allowances, it has been suggested before this Commission that that for a Sub-Divisional Officer should be the same for members of the Indian Civil Service as well as for members of the Provincial Service. Would you say that members of the Indian Civil Service should get Rs. 50 a month and members of the Provincial Civil Service Rs. 30 a month ?—I would not object to it.

40927. Would you object to Rs. 100 ?—I do not think Rs. 100 is justified.

40928. Why ?—Because it is extravagant.

40929. Do you think that a Sub-Divisional Officer has to maintain and keep up the same style as an ordinary officer of the same grade and position elsewhere ?—He gets a free house ; and he gets under this proposal, say, Rs. 50 ; which together is worth at least Rs. 100.

40930. Do you know that the charge allowance of a Sub-Inspector of Police in the mufassal is something like Rs. 15 ? You propose to double that amount in the case of the Sub-Divisional Officer ?—With a free house. I do not think one ought to forget that.

40931. The Sub-Inspector has a free house and Rs. 15 extra. Bearing that in mind, do you think it fair that a member of the Provincial Civil Service should get Rs. 30 ?—I do not think one should compare the allowances. You must compare the total emoluments.

40932. You may not compare it, but the whole world will. The people when they judge the relative merits of the Sub-Divisional Officer and the Police Inspector will say, "He is getting double the amount of the Sub-Inspector." Would that be fair ?—I look at it from a different point of view. I look at the total emoluments and not any proportion of them. That, in my view, is the correct way of looking at it.

40933. As regards the pension of these listed men, you say that they may earn a maximum

pension of Rs. 6,000, or should be eligible for an additional pension of Rs. 1,000 ?—Read the end of that answer. That really embodies the suggestion I make. I would, in fact, raise it to Rs. 7,500. That is my proposal.

40934. Do you not think, considering the proportion of the pay of members of the Indian Civil Service and the Provincial Civil Service, that it would be fair and equitable to raise it to two-thirds of the pay which the members of the Indian Civil Service are getting, barring of course the amount they secure by their own contribution which you say amounts to £150 a year ?—It may sound rather a paradox, but the Rs. 7,500 is two-thirds of £1,000.

40935. I think not. You said the listed-post officer ought to get two-thirds of the pension of the Civilian, and I say that this Rs. 7,500 is not two-thirds of the £1,000 ?—The calculation is that you reconvert the £1,000 at 1s. 9d. the rupee into rupees. That comes to about Rs. 11,000, odd. Take two-thirds of that, and you get Rs. 7,600.

40936. You have no objection to the principle that we should get two-thirds of the net amount that you get ?—Always assuming that it is reconverted at 1s. 9d. It is because of the two-thirds that I suggested Rs. 7,500.

40937. (Mr. Datta.) You have not expressed any opinion in your written answers about the judicial branch of the Provincial Civil Service ?—No. I am not prepared to be examined upon it.

40938. You have no experience of that ?—No. I prefer not to be examined on the Judicial side.

40939. Would you be able to give your experience and opinion with regard to the pension and leave of that Service ; I can give you facts to go upon ?—I would prefer not to be examined upon the Judicial Service. I volunteered no evidence upon the subject.

40940. (Sir Murray Hammick.) With reference to young Assistants, we have had evidence in several provinces that some concession should be made to them by which they should be financed at the beginning of their career. We have been told in some Presidencies that if the Assistant Collector is to live at all according to his station he cannot help getting into a fairly large amount of debt before he gets his Sub-division. What is your opinion with regard to this in Bihar and Orissa ?—I have only been in this province a year. My general opinion is that an increase of pay in the first few years of service is very desirable, especially with the present age, because many men come out married.

40941. Have you a system in Behar and Orissa by which these Assistant Collectors can draw an advance of Government money ?—That is usually done in Calcutta when they arrive. They take two months' pay in advance—I did myself. They can take Rs. 800 or Rs. 1,000. I think the limit is Rs. 1,000.

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40942. As far as you know, that is often done?—I think it is frequently done.

40943. With the paying off of that debt, and the deductions of Rs. 400 a month, the pay dwindles to something like how much?—One-third of the pay for the advance is deducted. I

expect not much more than Rs. 300 is left.

40944. So that really a Civilian begins on Rs. 280 a month?—He has always got the Rs. 1,000; but he has probably spent that.

(The witness withdrew.)

SACHCHIDANANDA SINHA, Esq., Barrister-at-Law.

*Written answers relating to the Indian Civil Service.*

40945 (1). What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—The principle of open competition for recruitment of public services is, on the whole, least open to objection, but the system as now in force for recruitment of the Indian Civil Service is very unsatisfactory, so far as the Indian candidates are concerned. Though the system has now been in operation for sixty years, it has been computed that only 84 Indians have been so far successful, against a total of 2,643 Europeans. This works out to the average annual rate of admission for Indians at 1.4 and the proportion of the total admission of Indians to that of Europeans comes to only 3.2 per cent. No comment is necessary on these figures to bring out the utter inadequacy of the representation of Natives of India in the Indian Civil Service, and the satisfactory solution of this problem is urgently called for. The experiments made to recruit Indians in the higher services through the means of the now-abolished system of "Statutory Civil Service," as also by throwing open "listed posts" to the Provincial Civil Service, have failed to do justice to the legitimate claims and the just and reasonable aspirations of the people of this country.

40946 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—As at present conducted (*i.e.*, only in London) it does not offer equal facilities and opportunities to the King-Emperor's Indian subjects, for reasons too obvious to require mention. I would, therefore, urge the desirability of holding simultaneous examinations both in England and in India. The successful candidates at the Indian examination should be made to pass their period of probation at a British University—preferably Oxford or Cambridge—the said period of probation to extend to at least two years.

40947 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—No. The alteration I would suggest is the one mentioned in reply to question (2).

40948 (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is, or is not, to the advantage of Indian interests? Please give your reasons?—I see no objections to the system now in force.

40949 (5). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose?—No alteration is necessary or desirable, but the expansion of the principle (*i.e.*, the holding of simultaneous examinations in both India and England) is absolutely desirable and necessary.

40950 (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—I am strongly in favour of it. It has long been advocated by the Indian National Congress and a recent "Note on the Public Service Questions," prepared by Mr. Syed Wazir Hasan, B.A., LL.B., officiating Honorary Secretary, All-India Muslim League (Lucknow, 1912), goes to show that even Mussalman opinion, which was formerly supposed to be hostile to it, has now come round to the view that simultaneous examinations is the only solution of the problem.

40951 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service Cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—I am totally opposed to the introduction of any such scheme. It would be, in the first place, in my opinion, illegal and unconstitutional, as being in direct contravention of section 87 of the Parliamentary Statute of 1833, and the Royal Proclamations issued since. Secondly, because Lord Ripon's Government (in a despatch dated 12th September 1884) having suggested to the Secretary of State a system more or less on the lines embodied in the question under reply, the latter negatived the proposal (in a despatch dated 8th January 1885), laying it down that "it would be inconsistent with the nature of an open competitive examination to limit the number of Native (*i.e.*, Indian) candidates who might be successful to 18 per cent. of the total number selected." Thirdly because, apart from the considerations mentioned above, the candidates recruited by such a process will carry the brand of inferiority.

40952 (8). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, describe fully what

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system you would recommend. In particular do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?—No. No question of the representation of classes and communities can be said to arise in the matter of recruitment of the Indian Civil Service. At the same time, there is no reason to think that any important class or community is likely to go wholly unrepresented if simultaneous examinations for the open competition were held both in England and India. Regarding being led to the progress made by the Mussalmans, even a large section of that community are, I believe, now in favour of simultaneous examinations.

40953 (9). If you are in favour of a system for the part recruitment of the Indian Civil Service by Natives of India in India, do you consider that "Natives of India" should still be eligible for appointment in England?—Yes. Natives of India should be eligible to compete at the London examination, quite irrespective of any system that may be introduced in this country with the object of securing the larger admission of Indians.

40954 (10). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India" as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?—No.

40955 (11). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system which you would propose?—Yes. The post of District and Sessions Judge which, I believe, is reserved by statute for the Indian Civil Service, should be removed from the schedule of the Act, and District and Sessions Judges should be recruited from amongst Subordinate Judges and, even more largely, from practising Barristers and Vakils. The latter suggestion, if carried out, would constitute no new departure, as such appointments can even now be made, and have in fact been made, to the Provincial Service in its judicial branch. It would be merely an expansion of this principle to extend it to the case of even the posts of District and Sessions Judges. The present system under which District and Sessions Judges are recruited is open to very grave objection, and has already produced grave dissatisfaction. There is no likelihood of a dearth of European Barristers for the posts of District and Sessions Judges and so, even assuming that what is called "British tone" is desirable in the judicial administration, there is no chance of its disappearing by the adoption of the scheme.

40956 (12). Are you satisfied with the present statutory definition of the term "Natives of India" in section 6 of the Government of India Acts, 1870 (33 Vict., c. 3), as including "any

person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter?—No. I would exclude from the definition men of unmixed European descent.

40957 (13). If the system of recruitment by open competitive examination in England is retained, state the age-limits that you recommend for candidates at such examination, giving your reasons?—The present age-limits ought to be retained.

40958 (14). What in your opinion is the most suitable age at which junior Civilians recruited in England should commence their official duties in India?—Twenty-five.

40959 (15). What age limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age-limits for "Natives of India," and for other natural-born subjects of His Majesty?—The present age-limits should suit candidates who are "Natives of India," as they enable them to appear at the open competition after graduating at Indian Universities, without which they will have a much poorer chance of success. No.

40960 (16). What alterations, if any, do you recommend in the authorised syllabus of subjects and marks prescribed for the open competitive examination?—I would recommend the assigning of marks for Sanskrit and Arabic equal to those fixed for Latin and Greek, even, if need be, by raising the standard of the former to that of the latter, assuming that it is not so. I would further suggest the addition to the syllabus of Pali and Persian, the marks for which should be at least the same as those fixed for the modern Continental languages. Indian History may also be included in the syllabus.

40961 (17). Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons?—No.

40962 (18). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and, if so, what posts and for what reasons?—Yes. Purely executive posts might, for the present, be reserved by statute for officers recruited to the Indian Civil Service with the exception of the post of the District and Sessions Judge, the removal of which I have already suggested from the schedule to the Act. I would keep, for the present, the other posts, in the said schedule, reserved for the Indian Civil Service. The reason for the reservation is that the highest executive posts must ordinarily be reserved for the Indian Civil Service, the members of which alone, at present, can be said to



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possess the efficiency necessary in those occupying posts of the highest administrative responsibility. Of course, this reservation would be subject to the "listed posts," now reserved for the Provincial Civil Service, and the expansion of which is necessary and desirable, from time to time.

40963 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service Cadre, do you consider that Natives of India might under present conditions properly be admitted?—No. No proportion can be or should be fixed, for reasons stated in replies to some of the earlier questions. But, there is no reason to apprehend that a large proportion of the Indian Civil Service shall not continue to be recruited from His Majesty's European subjects, even, if simultaneous examinations be held both in England and India.

40964 (20). Do you accept as generally satisfactory in principle the present system under which Natives of India are recruited for posts in the Indian Civil Service Cadre partly through the medium of an open competitive examination in England, and partly, by special arrangement in India?—No; the principle of open competition should be extended to India for the recruitment of the Indian Civil Service, *i.e.*, the examinations must be held simultaneously in both the countries.

40965 (21). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—No.

40966 (22). If the system of recruiting military officers in India for posts in the Indian Civil Service Cadre has been stopped, or has never existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent, in your opinion, should it be adopted?—The system of recruiting military officers was prevalent in the Chota Nagpur Division of the Province of Bihar. It has now been abolished. When it existed it caused great dissatisfaction to the people and it should not, therefore, be now revived.

40967 (23). Do you consider that such a system should be restricted to the recruitment of military officers, or extended to the recruitment of selected officers from other Indian services?—Neither the military nor any other Indian Service—except the Indian and the Provincial Civil Services—should be utilised for recruiting officers for carrying on the civil administration of the country.

40968 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed "listed posts") to which members of the Provincial Civil Service can properly be appointed?—The system is not open to objection and is in fact preferable to the now-abolished system of "Statutory Civil Service."

If the system is, however, to give satisfaction to the people and to make the Provincial Civil Service popular with the educated classes, it should be, from time to time, expanded and enlarged—both in its number and scope—with the continued progress of the country. The principle suggested by me was accepted by the Government of India in their despatch to the Secretary of State, dated 1st November 1893, in which they said:—"There is no finality about the lists of 'covenanted offices,' which have been thrown open to members of that (*i.e.*, the Provincial) Service. These lists have been prepared with reference to proximate possibilities; but they are capable of alteration and expansion, from time to time, as circumstances may require or permit." As a matter of fact, not only have the lists not been revised in the way of enlargement and expansion since they were originally framed, some 20 years back, but even the total number of posts then said to have been thrown open to the Provincial Service as "listed" appointments have not been yet filled, unless I am mistaken.

40969 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one-quarter of the listed posts?—No.

40970 (26). Are you satisfied with the system by which most of the inferior "listed posts" are merged in the Provincial Civil Service?—No.

40971 (27). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—The class of posts "listed" so far is suitable, but further additions are now necessary. The post of one or more Commissioners of Divisions and Secretaries and Under-Secretaries to the Imperial and Provincial Governments and to the Board of Revenue should now be declared as "listed." This is due to the Provincial Civil Service for the good work it has done on the whole, during the last twenty years, since the system of "listed" posts was introduced, and also for encouraging the officers of the Provincial Service. Besides, it will go, to some extent, in satisfying Indian aspirations for employment in the higher branches of the executive service. Such posts also, as Inspector-Generalship of Registration, Directorship of Agriculture, Directorship of Land Records, Registrarship of Co-operative Societies and other similar posts—which, though not, perhaps exclusively, reserved by the Statute for the Indian Civil Service, are usually held by its members—should be thrown open to the Provincial Civil Service and declared as "listed."

40972 (29). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the Service?—Yes.

40973 (30). If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?—It should not be less than two years. I have already suggested that in case of simultaneous examina-



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tions being held in India and in England, the successful candidates in the Indian examination should spend at least two years as their period of probation at a British University. During this period they should be required to pay particular attention to the study of Indian laws, especially those bearing on the executive administration of the country as also the study of British constitutional law and its History. Similarly, candidates successful at the London examination should be required to spend their period of probation in India, in thoroughly mastering Indian laws, Indian History and the principal vernacular or vernaculars of the province to which they have been posted. This object can best be attained at the head-quarters of a district under the guidance of a senior member of the Indian or the Provincial Civil Service.

40974 (31). Do you consider that any differentiation is necessary between the course of study for probationers who are Natives of India and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—Only such differentiation seems to me to be necessary as is indicated in the reply to the last question.

40975 (33). Do you think it desirable to start, at some suitable place in India, a College for the training of probationers of the Indian Civil Service, and possibly, of other Indian Services recruited in England?—No.

40976 (34). Do you think it desirable that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—No.

40977 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—No. Under the system obtaining at present the training imparted is more or less perfunctory. This should be replaced by a more systematic and methodical training at the head-quarters of a district, under the guidance of some senior member of the Indian Civil Service or even of the executive branch of the Provincial Service. The course of instruction should extend to the subjects mentioned in reply to question (30) and also to the actual business of executive administration. The latter can be best learnt by being associated with officers doing the work. The vernacular or vernaculars of the province will, of course, have to be learnt by reading with a teacher who may know any particular vernacular as his mother-tongue. Quarterly or six-monthly examinations should be held to test the proficiency of the candidates so being trained, and they should be confirmed only on their having satisfied the test of the examinations both written and *viva voce*.

40978 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the

Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—There has been a marked deterioration in the knowledge of Indian languages possessed by the European members of the Indian Civil Service, due mainly to the growth of a large English-knowing class of Indians, with whom they find it easier to transact all official business in English. They cannot now be said (at any rate in Bihar) to attain to an adequate proficiency in the study of Indian languages. The remedy for this state of things is suggested in the reply to the last question.

40979 (37). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch?—As to the officers who are to serve in the executive branch, a study of the Indian laws during their period of probation, duly tested by examinations as already suggested, may be found sufficient as preliminary training, which will stand them in good stead in acquiring a larger familiarity with legal literature and practice, in the course of the discharge of their duties. It would be well to hold annual examinations to test such knowledge during the first few years of such officers' careers and, to encourage them to attain proficiency, prizes might be awarded. As to those who are to work on the judicial side, the knowledge of law required is so extensive, that I cannot suggest any feasible scheme for the purpose. I have, therefore, suggested the formation of a Judicial Service including in its cadre the posts of District and Sessions Judges, which should be recruited from amongst Subordinate Judges and from practising Barristers and Vakils—the members of the Indian Civil Service being confined to the executive administration of the country.

40980 (38). Do you recommend any special course of study in law in India for officers selected for the judicial branch?—If my suggestion for the exclusion of the posts of the District and Sessions Judges from the cadre of the Indian Civil Service is not carried out, officers selected for these posts should be given regular and systematic training in Indian laws, especially civil laws, in which, at present, most of the officers are found to be sadly deficient. The only feasible solution, however, of the problem seems to me to be what I have suggested in reply to the last and some other questions—namely, the formation of a distinct Judicial Service, composed of members of the judicial branch of the Provincial Service with a large admixture in the ranks of District and Sessions Judges from amongst practising Barristers and Vakils, the members of the Indian Civil Service being confined to the executive administration of the country.

40981 (39). Do you recommend any special training in subordinate judicial posts in India

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for officers selected for the Judicial branch? If so, please give details?—No.

40982 (40). Is any differentiation desirable in a system of training after appointment in India between members of the Indian Civil Service who are Natives of India and other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—Except that those Natives of India who may happen to know the vernacular or vernaculars of the province to which they are posted, may be exempted from its or their study, no other differentiation seems necessary or desirable.

40983 (42). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals?—Those "Natives of India" who may be of unmixed European descent, should be treated like those who may be Natives of the United Kingdom, amongst the successful candidates, in the matter of their probation and training. As to those who may be of mixed European and Indian descent, it is difficult to make any general suggestion, the course to be adopted may depend in each particular case on the requirements of the candidate.

40984 (45). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished and, if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—I understand that the exchange compensation allowance was introduced at a time when exchange was unsteady and the equivalent in Indian money of a sovereign was about Rs. 19, since then the exchange has been fixed at Rs. 15 to £1. That being so, the allowance may now be abolished. But, if it is not to be abolished I would suggest its benefits to be extended to all members of the Indian Civil Service, wholly irrespective of nationality or domicile. The present differentiation apart from entailing great hardship on the Indian members of the Service—most of whom have to make remittances to Europe for the education of their children—is a source of bitterness of feeling. As to the second part of the question, I am of opinion, that even if the allowance is to be continued to those who are in service, it should not be granted to future entrants.

40985 (46). If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the Service who now draw no exchange compensation allowance?—I do not recommend the abolition of exchange compensation with compensation in the form of increased salaries, but if this system is introduced, its benefits should be extended to even those members of the Service who now draw

no exchange compensation allowance; this for reasons stated in the reply to the last question.

40986 (47). Turning now to the case of Statutory Civilians and officers of the Provincial Civil Services holding "listed posts," do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the Service?—In view of the general rise in prices and the increased cost of living, it will act as an inducement to a better class of Indians to enter the Provincial Service, if the pay of members of the latter, when occupying "listed" posts, be fixed at three-fourths of that fixed for members of the Indian Civil Service.

40987 (48). Have you any proposals to make in regard to the leave rules applicable to members of the Indian Civil Service?—I understand that under the rules in force, furlough and pension allowances, if paid in India, are at present calculated at two shillings to the rupee, which entails a very heavy loss to those who spend their furlough or period of retirement in India. Under this rule a member of the Indian Civil Service, if he is to get £1,000 in England (the equivalent of Rs. 15,000), would get only Rs. 10,000 in India. I suggest that this anomalous distinction be abolished.

40988 (49). Have you any proposals to make in regard to the leave rules applicable to Statutory Civilians, and to members of the Provincial Civil Services holding "listed posts"? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?—I am not in a position to answer the first part of the question. As regards the second part of it, I am of opinion that considering that the Statutory Civilians and Provincial Service officers holding "listed" appointments occupy the same position and discharge the same onerous duties as members of the Indian Civil Service, it does not seem to me to be desirable to have separate sets of leave rules for them and for the latter.

40989 (50). Please add such other remarks as you may desire to offer on any point relating to the conditions of service, salary, leave, and pension in the Indian Civil Service?—I understood that Indian members of the Indian Civil Service are excluded from the benefits of Family Pension Fund. If so, the benefits of the fund should be extended to them also on the same terms as it is now enjoyed by the European members of the Indian Civil Service.

*Written answers relating to the Provincial Civil Service.*

40990 (51). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable or have you any recommendations to make for their alteration?—

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Yes, they are generally suitable to the requirements of the Provincial Civil Service. Some objection is taken, however, to Clause VII. It is suggested that an additional grade of Munsifs should be appointed at Rs. 500 and that promotion by mere seniority should be made up to this grade. If this is accepted, similar provision as to promotion by seniority may be necessary in the case of the corresponding grade of Rs. 500, in the Executive branch of the Provincial Civil Service.

40991 (52). In particular, are the rules for the recruitment of the Provincial Civil Service, in force, in your province suitable, or have you any recommendations to make for their alteration?—I would suggest an open competition as the method to be adopted for recruitment; the present system of nomination, pure and simple, being, in my opinion, open to grave objection. If the system, I suggest, does not secure in any particular year, the representation of any comparatively backward community, such of the candidates from that community as have competed and have secured the highest marks, may be appointed, and this system of qualified competition for backward classes or communities may be continued till such time as it may be considered necessary, for the due and proper representation of all important communities.

40992 (53). Do you consider that recruitment for a Provincial Civil Service should ordinarily be restricted to residents of the province to which it belongs?—Yes. It should be open only to those who are (a) either members of the indigenous population of the province or (b) genuinely domiciled in it. The insistence of this rule is all the more necessary in Bihar and Orissa, where the vast bulk of the appointments in the Provincial Civil Service are held by gentlemen who are not members of either the indigenous or the domiciled population of the province.

40993 (54). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—No. The representation of all classes and communities of the indigenous and domiciled population of the province is very desirable. As stated in the reply to the last question the Biharees, the Uriyas, and even the domiciled classes are very inadequately represented in the Provincial Civil Service. Of such representation as the people of the province has been able to secure, the Biharee Hindus—who constitute roughly 85 per cent. of the population of Bihar—are most inadequately represented. It has already produced very great dissatisfaction well-nigh bordering on discontent—amongst the educated and thoughtful sections of Biharee Hindus, and special efforts must, therefore, be made to bring about a due adjustment in this respect. A reference to the Provincial Civil List will bear out the statements made above. As to the arrangements to be made to secure the due representation of Biharee Hindus, the best I can suggest is recruitment by open competition for all posts in the Provincial Service. Failing it,

I would expect the Local Government to keep the matter before them in any scheme under which recruitments might be made.

40994 (55). Are you satisfied with the existing arrangements for the training and probation of officers appointed to the Provincial Civil Service? If not, please state your objections, and what other arrangements you recommend?—The existing arrangements are fairly satisfactory in the case of officers of the Executive branch, while those of the Judicial branch being recruited from practising lawyers, no special training is necessary in their case.

40995 (56). Do you consider that the numbers of officers authorised for the various grades of your Provincial Civil Service are satisfactory? If not, please state your views?—I understand that there is a deadlock in the work on the civil side and the dilatoriness of civil litigation is almost notorious. At present a number of first grade Munsifs are also invested with powers to try cases up to a valuation of Rs. 2,000 which used to be tried before by Subordinate Judges. To make civil justice expeditious and to remove the trial of cases of the valuation of more than Rs. 1,000 from Munsifs to Subordinate Judges, increase will have to be made in the number of officers in the various grades of the Judicial branch, but I am not in a position to give details of the suggestion. If the suggestion be accepted, the Government can best work out the details. I do not think that any additions to the grades of the Executive branch are necessary at present.

40996 (57). To what extent are the functions of the officers of the Executive and Judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and, if so, in what direction?—The functions of the officers of the Executive and Judicial branches of the Provincial Civil Service are broadly divided, those of the Judicial branch trying civil and rent-suits and those of the Executive branch disposing of criminal cases and miscellaneous criminal and revenue work. If a system of complete separation of the Executive and Judicial functions be carried out, such as enlightened Indian public opinion has urged for a long time, those members of the Provincial Civil Services who will only try cases—whether civil or criminal—will have to be constituted into a separate Judicial service, quite distinct from those who will do miscellaneous, criminal and revenue work. Under such a scheme, the Deputy Magistrates trying criminal cases will be purely Judicial officers, wholly unconnected with the directing of the police investigations or initiation of criminal proceedings, and they will be, like the officers trying civil cases, completely under the control and supervision of District and Sessions Judges and will have nothing to do with the District Magistrate.

40997 (58). Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?—Yes, but some of the officers of the Provincial Civil Service are desirous that the designation be changed in each

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province to one named after the province itself, in contra-distinction to the superior "Covenanted" service which is now designated "Indian Civil Service". If this suggestion be carried out, the Provincial Service of this province will have to be called as "the Bihar and Orissa Civil Service".

40998 (59). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—Yes.

40999 (60). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—I would suggest an addition to the grade of the Executive branch at Rs. 1,000 corresponding to the similar grade on the Judicial side. I would also fix the initial pay of all officers—Executive and Judicial—at Rs. 300, rising by increments of Rs. 100 to the highest grade of Rs. 1,000. If the suggestion be accepted, the adjustment of the officers in each grade may be left to be made by the Local Government. If my suggestion of recruiting the Provincial Civil Services—both Executive and Judicial—by open competition, be adopted, I would suggest the adoption of a time-scale for purposes of increment to the salaries, up to the grade of Rs. 600, during a period of 12 years. I would further suggest the abolition of what is called the subordinate executive service in this province and its being merged in the Executive branch of the Provincial Service.

41000 (61). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various

appointments?—In view of the general rise in prices and to attract a yet better class of men, the rate now, in force, may be raised to three-fourths of the pay fixed for the Indian Civil Service.

41001 (62). Have you any proposals to make with regard to the leave rules applicable to the Provincial Civil Service? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—I would suggest that members of the Judicial branch should be allowed privilege leave for one month in the year on full pay like those of the Executive branch. The present rule under which the former get privilege leave on half pay only, is a source of legitimate dissatisfaction to them. I am not in a position to offer any suggestions in regard to the existing differences between the leave rules for the European and Indian Services as I do not know what they are. I am, however, as a matter of principle, against the existence of any rules of difference based on purely racial considerations, and if the differences in the present leave rules are due to them, I would suggest their abolition and their being replaced by uniform rules applicable to both Europeans and Indians.

41002 (63). Are you satisfied with the present system of superannuation pensions for officers of the Provincial Civil Service? If not, please say what modifications you would suggest, and on what grounds?—I am not in a position for want of knowledge of the subject to express any opinion.

41003 (64). Are you satisfied with the existing organisation of the Provincial Civil Service? If not, please state what alternative organisation you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—No alternative organisation is necessary at present, as the existing system, if modified in the light of the suggestions made above, will serve the purpose.

MR. SACHCHIDANANDA SINHA called and examined.

41004. (Chairman.) You are a Barrister and a Member of the Legislative Council?—I was a Member of the Imperial Legislative Council till January last, but I am no longer a Member.

41005. Do you occupy any public positions?—I am the Secretary of the Behar Provincial Association and the Behar Provincial Congress Committee, an ex-President of the Behar Provincial Conference and the United Provinces Conference, and I am connected with many other public movements.

41006. You lay stress in your opening remarks on the scarcity of Indians that have passed into the Indian Civil Service. May I take it that your primary object is to get more appointments for Indians in the Civil Service?—Yes, exactly.

41007. You suggest for that the institution of simultaneous examinations both in England and in India?—Yes.

41008. And you think that there is no reason to apprehend that a large proportion of the Indian Civil Service will not continue to be recruited from His Majesty's European subjects?—No.

41009. Would you tell us what guarantee, on the other hand, there is that under such a system enough Indians will get in and you will attain the object that you have in view?—I do not say, my Lord, that enough Indians will get in, and it is therefore I keep the listed posts open as well in this country. If I felt satisfied that the examination in this country will bring in enough number of Indians, I would not be in favour of the listed posts being kept open. It is because I apprehend that they will not get in in sufficiently large numbers, that I propose that the listed posts should be kept open in this country.

41010. Are you desirous to see the British element in the administration maintained?—

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Yes. More than the British element, it is the British tone, that is wanted in the administration.

41011. What guarantee can you show us that the British element will be assured in the years to come, under the system of the simultaneous examinations?—Nobody can guarantee it; but taking the facts as they are,—the difficulties of Indian students in the matter of education in this country, want of facilities for higher education, and the fact that in England there is the system of well organised Universities and coaches—it will be a long time before India can come up to the level of England in offering the same facilities, and therefore there is no reason to apprehend that any time will come when the British element will be swamped in the Civil Service.

41012. If you could not get the simultaneous examinations which you suggest, would you be content if, whilst preserving the right of Indians to enter through the London door, you were given, as suggested by certain witnesses, a fixed number of places to be competed for at an Indian examination?—A separate examination held here?

41013. Yes?—On principle I am opposed to it; but as a matter of practical politics, if this is decided upon, I will not oppose it.

41014. If successful candidates at this examination went, for a period of two or three years, to a private University in England, would you consider that these candidates would occupy any position of inferiority, as compared with the candidates that enter through the London door?—To some extent they will, certainly. They will carry a brand of inferiority for this reason.

41015. Are you aware that there are several methods of entry into the Army?—I know very little about the army, except that Indians cannot hold commissioned posts in the army.

41016. I was only asking you that question from the point of view of inferiority—whether those who entered by one means into the army were afterwards regarded as in any sense of inferiority?—May I know if your Lordship is referring to the recruitment of officers in the Army in England?

41017. Yes, the British Army?—The reason may be that in England people are so much more enlightened that they might not mind it; but in this country I am sure that if different methods are resorted to, people will regard it as carrying a brand of inferiority. That is the public impression, and whether it is ill-founded or well-founded, I cannot say.

41018. In your answer to question (11) you make certain proposals about the recruitment for the Judicial branch. You would recruit from the Bar—Vakils—and from amongst sub-judges of the Provincial Civil Service?—Yes.

41019. You say that there is no lack of European Barristers for the posts of district and sessions judges. Do you know of any Bar where there are many Europeans?—The Calcutta Bar contains many Europeans. In the Bar of which I am a member, there is a fair number of Europeans.

41019a. Which is yours?—The Allahabad Bar. I am enrolled both in Calcutta and Allahabad.

41020. Is there a large European element in that province?—A fair number in Allahabad; but in Calcutta there is a very much larger number of Barristers of ten or twelve years' standing who, I know for a fact, would be glad to take up appointments of district judges, if offered to them.

41021. Has the European element remained the same of recent years or has it undergone diminution?—In number?

41022. Yes, in numbers?—I am not in a position to answer that. I do not know what the number was. It may be that the numbers have increased. But certainly the European Bar has suffered in Madras and in Calcutta also on account of the competition of the Indian Barristers on the score of income and practice; but I do not know in regard to numbers.

41023. We have had evidence that there are a very few?—In Calcutta?

41024. Yes?—Comparatively speaking, perhaps there may be.

41025. You desire to recruit the judiciary more largely from the Bar and you indicate certain dissatisfaction at the present system?—Yes.

41026. Why do you desire to confine the officers of the Indian Civil Service to the Executive branch?—Because, in my opinion, the officers of the Indian Civil Service have proved themselves to be exceptionally able to do executive work and not so, to the same extent, judicial work. On the contrary, if I may be allowed to say so, my own experience tells me that there is great dissatisfaction with the judicial work turned out by civilian judges. That has been officially borne testimony to for a long series of years. There is the minute of Sir James Fitz-James Stephen of about 40 years ago when the subject was ably dealt with, and it was then remarked that there was great dissatisfaction with the work of district judges in those days.

41027. We have been told by eminent men and judges of the High Court that the early training of a civilian Judge as an executive officer is of the greatest possible value to him as a judge. Under your scheme of recruitment from the Bar and from the subordinate judiciary of the Provincial Civil Service, would there not be a risk and chances of friction between the Executive and Judicial branches of the Service?—I do not apprehend any reason why there should be. I take it that both the branches of the Service will be actuated by the same motives, that they should carry on the government of the country.

41028. I suppose you would not altogether regard with disfavour the proposal made by certain witnesses that a portion, at any rate, should be recruited from the Indian Civil Service?—No. I have no objection to keep one-third for the Indian Civil Service, for the present.

41029. Assuming that that Service has improved training?—Yes, certainly.

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41030. In your answer to question (30), you propose to separate the Indian and the English candidates during their period of probation and to give them separate courses during probation?—I think I suggest that those who pass in England should be sent out to India and those who pass in India should be sent out to England, provided there is the simultaneous examination here.

41031. Do you not think that it is rather important that, during the probationary course, both the European and the Indian candidates should, if possible, be brought into contact with each other?—There is certainly force in that statement; but it seems to me that what each lacks must be supplied by a residence of two years either in India or in England, as the case may be. It seems to me, on the whole, better to send out European candidates here and the Indian candidates there. But to the idea of getting them together for some time, I have no objection.

41032. I suppose the object you have in view is that the European candidates should have some more specific and definite training as regards the conditions and characteristics of India, prior to their entering into the Service?—Quite so, my Lord.

41033. If, during the first year of their service, which is practically a probationary year, something more specific and definite were supplied in that training, that would, to some extent, meet your view?—Undoubtedly.

41034. You would pay the officers holding the listed posts three-fourths of the pay given to the members of the Indian Civil Service holding similar posts?—Yes.

41035. I take it that you are content that the two shall not hold actually equal status?—They should certainly hold equal status in all matters, but not in the matter of pay. Whereas the member of the Indian Civil Service, whether a European or a Native of India who has to go to England, and spend money, has to take risks and chances these gentlemen of the Provincial Service have not had to do that and therefore I would keep a difference in the scale of pay.

41036. You will try, if possible, to equalise their status, without assuring them equality of pay?—In the matter of leave rules I would make no distinction between the Provincial Civil Service men holding the listed posts and the Civilians; but in the matter of pay I would keep the difference.

41037. You think that it is more important to give equality of treatment as regards leave, than as regards pay?—I simply go upon what I have been told. What they have told me—a number of them have sent me pamphlets—is that they all think that they will be better off if they can get the same rules of leave. As for the pay, they would like to have as much as Civilians get; but if they could not get it, they are quite content to have three-fourths.

41038. That is not so much your opinion as what you have been told?—Yes, what I have been told to represent to the Commission.

41039. I should have thought that to have the same pay would be more important?—Because they think that as there is no chance of getting the same pay, they would like to have improvement in other matters.

41040. You would like to have open competition in the Provincial Civil Service?—Yes.

41041. Would you accept the proposal of competition amongst nominated candidates? Not quite. There should be open competition and the Government should choose the first few whom they require, and if any particularly backward community has not furnished successful candidates, the Government should choose the first man from that particular community, out of those who competed. It will, in that way, ensure the return of a member of the backward community, and a man of that community who secured the highest number of marks would thus be available.

41042. For a proportion?—For one or two seats. If I may add only one word, I would say that the drawback with regard to nomination is that it may be difficult for some people to get themselves nominated, that is the point to be borne in mind. A competitive examination used to be held in Bengal and Bihar in the early days and some people told me that they could not themselves be nominated.

41043. We have had it put to us by certain witnesses that a board of nomination might be appointed to nominate candidates, and might consist partly of officials and partly of non-officials. Would that meet with your approval, a committee of selection?—That would be in advance of the other, namely, that of leaving the whole thing in the hands of the Government.

41044. You complain in your answers to questions (53) and (54) that the bulk of appointments in the Provincial Service are held by officers who are not residents of the province?—I do. Out of 300 executive posts in the Provincial Civil Service of this province, not more than 80 are held by Natives in the province, of whom, when I worked out the figures last, 30 were Hindus and 50 were Muhammadans. I have not done it recently, but if your Lordship desires me to work it out from the last Civil List, I would do so.

41045. Then you would confine the cadre to the residents of the province?—Quite so.

41046. You would not admit anyone to enter the service who is outside the province?—In all the provinces it is the same. But the conditions are different here on account of our long connection with Bengal, and that is how this state of things has come about.

41047. Do you think that it is important that the Service should be confined to the people who reside within the province?—I attach great importance to it.

41048. You think, according to your answer to question (56), that the present staff is unable to cope with the civil judicial work and we hear a great many complaints of over-work in both

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the Services. Could you say anything more on that point?—I can say from personal experience that the civil officers are very hard-worked. They have to sit till very late in the evening and it certainly places great strain on their physical energies and talents to dispose of the work allotted to them. They are a very hard-worked people and I sympathise with them. I think that they should be given the same privilege leave that is given to the members of the Executive service. The reason why that leave is withheld from them is, it is said, because they are civil officers and have a long holiday of one month's vacation, as compared with the members of the other Service. But, considering the nature of the work, the arduous nature of the work, they discharge, I think they are entitled to great consideration in all these matters.

41049. Therefore, you are suggesting by that answer not only an increase of the judicial staff but improved leave conditions?—Yes, leave rules also.

41050. Would you say that efficiency has suffered from this over-work?—I would certainly say so. They have to show, I understand, a certain amount of work, and in order to clear it off they have to scrape through their work somehow or other to bring up the requisite standard of work. If they do not do it, they are marked down as lazy and slow. In that way, the work suffers, I think.

41051. In your answers to questions (60) and (61) of the Provincial Civil Service series you advocate a certain increase of pay for the Provincial Service on the ground of rise in prices in this province?—Yes, certainly.

41052. Would you say that the same thing applies to the Indian Civil Service also?—On the face of it, it does certainly, and I have no objection to it if the finances permit it. I have no objection to their emoluments being raised, and personally I would not oppose it. But regard being had to the scale fixed, the Indian Civil Servants might, for the time being, be content with what they get. But the Provincial Civil Service men get very much less and therefore I suggest an increase.

41053. (Sir Murray Hammick.) With regard to your answer to question (1), I do not quite understand where you got the figures from—that only 84 Indians were so far successful against the total of 2,643 Europeans?—I think these are figures worked from the India Office list. That is the total number of persons who passed out since the Service was thrown open to competition, namely 84 Indians as against 2,643 Europeans.

41054. You say that is the total number of passes?—Yes. I would not say that they are quite accurate. I believe that they are within the mark.

41055. I did not understand what you meant, and now it is all right. Now as regards the Civil Servant judges, I suppose your objection to a Civil Servant judge is that he becomes a judge before he is properly trained?—If I may put it

broadly, he becomes a judge at the start when he is a Civilian of 6 or 7 years' standing, and then he hardly knows any civil law and of criminal law he knows very little.

41056. If measures were taken whereby a Civil Servant, before he sits as a judge in a civil court, had some further training in law and it was guaranteed that he know at all events the civil code properly, your objections to Civil Servant judges would be very much decreased?—Yes, on that assumption that he is properly trained, and then I would have no objection to a portion of appointments being reserved for Civilian judges.

41057. If a Civil Servant is properly trained to be a judge, why do you limit him to one-third of the appointments?—For this reason, that regard being had to the present condition of India it is desirable that, in public interests and on political grounds, other classes also should furnish officers, and considering that the Bar is very much advanced it should be given a chance in this matter. You know that in England it is the Bar which provides judges and not Civilians. But in India, as the case is different, I have no objection to its being the recruiting ground for judges; but having regard to the conditions of India, I would not reserve all judicial posts for the Civil Service alone.

41058. In the Allahabad Court, your own Court, can you tell me how many European Barristers are practising there?—About 25, speaking off-hand.

41059. In your answer to question (22) as regards the employment of Military Officers, you say that when it existed the practice of employing Military Officers caused great dissatisfaction to the people. On what ground do you say that?—I had the privilege of appearing before some of them in Chota-Nagpur and their methods were so rough and ready, to put it in a mild way, that people who were used to the procedure adopted by Civilian Officers did not like them. Neither the litigants nor the members of the Bar were satisfied with the rough and ready methods adopted by those Military Officers.

41060. You would not agree with those witnesses whom we had before us and who told us that in the old days Military Civilians were far better than the Civilians they have now got, and that every district retains very great affection for the Military Civilians that existed some years ago?—I will agree, because that is what I have read myself, especially in regard to the Punjab and frontier districts. But my own little experience of the few Military Officers in Chota-Nagpur just before the system was abolished, did not encourage me to think that it was a desirable system in this part of the country.

41061. Then I do not quite understand your answer to question (56). You say, "to make civil justice expeditious and to remove the trial of cases of the valuation of more than Rs. 1,000 from Munsifs to Subordinate Judges, increase will have to be made in the number of officers in the various



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grades of the judicial branch." Why is it that you wish to remove cases of the valuation of more than Rs. 1,000 up to Rs. 2,000 from the Munsifs?—Because up to a few years ago, those cases used to be tried by sub-judges in the Provinces of Bengal, Bihar and Orissa. Then they could not cope with the work. On account of large increase in litigation the number of cases accumulated and the Government, far from adding to the staff, simply empowered their Munsifs to try the cases up to Rs. 2,000. In that way these cases, which are fairly important, are tried by officers of inferior jurisdiction, with a Bar not so competent as the Bar in a subordinate judge's court, and the litigants therefore do not feel satisfied that they get that justice which they think they should get in important cases. Therefore, they desire that the system should be restored by which these important cases up to Rs. 2,000 will be tried by subordinate judges with the assistance of a superior Bar.

41062. It is not so much that you are dissatisfied with the way in which the Munsifs try the cases, as that these Munsifs sit in out-of-the-way places where you could not get a good Bar and therefore you say that valuable suits should not be tried, where the Bar is not sufficiently efficient to deal with these cases?—That is one reason and also because the litigants think that they are important cases. In this country, the bulk of civil litigation is between Rs. 1,000 and Rs. 2,000, which is regarded as very important in a poor country like India, and people think that they should have the right to have these cases tried by a superior judge, *i.e.*, a subordinate judge.

41063. Is it more expensive to get a case tried before a sub-judge than to get it tried locally by a Munsif in an out-of-the-way part of the district?—The court-fee is the same whether the case is filed in the Munsif's Court or in the Subordinate Judge's; the lawyer's fee is also perhaps the same.

41064. The fee given to lawyers is a good deal more?—Perhaps it is so.

41065. Are not your Munsifs invested with small cause powers?—Some only.

41066. (Mr. Chaulak.) About the hard work which the subordinate judiciary have got to perform, have you ever tried to see and compare the longevity as between Executive officers and Judicial officers when they retire?—I fear I cannot say that. All that I can say is that very few Indians live to enjoy their pensions. The Provincial Civil Service men, most of them, die within a year or two.

41067. I want you to compare the two. So far as Bombay is concerned, I tried to do it, some years back, and it was discovered that the men in the Judicial line go to the grave much earlier than their brethren in the Executive line?—I think that is due to their sedentary work. That is what I have been told by sub-judges and Munsifs, but I have no personal knowledge.

41068. As regards the question of jurisdiction, do you really think it to be of any importance—the point of pecuniary jurisdiction? I ask you this question for this reason: that Munsifs here are equal to sub-judges of the second class in Bombay. They have jurisdiction up to Rs. 5,000, and nobody feels that sub-judges of the second class do not administer proper justice. On the contrary, everyone that you come across praises them for the excellent work they are doing?—It may be so in Bombay. In these matters local conditions differ very much.

41069. Speaking of the fees in sub-courts and fees in Munsifs' courts and pleaders' fees; are not they regulated by a percentage of the amount of the claim?—The Court awards the fees on the valuation of suits. But pleaders, I believe, charge their own rates.

41070. It is permissible for any pleader to charge anything he likes. The court-fee being the same in both courts, the fees which are recoverable under the decree by a successful party are also regulated?—Yes.

41071. I have one or two questions to ask with reference to the simultaneous examinations. You have heard proposed to us in some places a scheme of scholarships to allow the best Indian talent to go Home and appear for the open competitive examination. You have heard of such a scheme being put forward?—I have heard something about it.

41072. I want to know whether you agree with this limitation to which I take it you will agree,—that for a certain number of years to come a certain proportion of the British element is desirable in the Service; that is one assumption?—Yes.

41073. If you want to keep that proportion, then it is not a very large and wide door that you want, but you want a door which will admit some larger number, consistent with the proportion which you might fix. At the same time you want a larger number of Indians to be employed in the higher Service. As between the two, the schemes of scholarships calculated to bring about that effect and the system of simultaneous examinations calculated to bring about the same result, which would you prefer?—If I could not have the simultaneous examinations, I would have the scholarships as the next best, without any hesitation.

41074. But would you put the simultaneous examinations first?—That is more a question of principle than anything else. I want that; but if I cannot get it, as a practical man I will accept the scholarships.

41075. Have you ever considered and worked out what the cost to the country would be of the simultaneous examinations?—Being held here?

41076. Suppose the simultaneous examinations were started here, what would be the cost to the revenues of the country of holding the examination merely?—That I am not in a position to say, as I have not worked it out. But I think



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the gain would be commensurate with the expenditure incurred.

41077. I will now repeat the same question to you in another form. Those who have worked out the figures tell us that the cost to India of holding the simultaneous examinations will be between £8,000 and £10,000 every year?—A lakh of rupees roughly.

41078. Rs. 1,20,000 to Rs. 1,50,000. With that fund you can start certainly 25 scholarships?—Yes.

41079. It is also admitted by those persons who worked out these figures that, for years to come, on account of the present educational institutions in the country, you cannot expect any appreciable number to come out successful in the simultaneous examinations?—No.

41080. But India has got to spend between Rs. 1,20,000 and Rs. 1,30,000. Would it be better to spend it on the scheme of scholarships or in holding the simultaneous examinations?—On this assumption, it is better to have scholarships.

41081. (Mr. Fisher.) You tell us that Mussalman opinion in former years was hostile to the scheme of simultaneous examinations?—Yes.

41082. It has now come round in favour of it?—To a very large extent, as far as I can gauge public opinion.

41083. Can you tell me why this change has taken place?—What I tell you can only be my impression. There are various reasons for it. The first and the foremost is the advance of education; secondly, the feeling in the better mind of the Muhammadan is that they should not prove a drag on other communities on account of their own backwardness. There is this feeling of self-respect that "because we cannot get in for some years, we should not stand in the way of Hindus, Christians, and others coming in." Thirdly, as the result of progress in education and as the result of great political movements in Asia and Europe, the tendency among the people is to unite together as Indians on a common platform. These are the impressions which I have gathered.

41084. I suppose that these feelings will be confined to the educated section?—To that class which would furnish recruits for the examination.

41085. Have you considered the subject of simultaneous examinations from the educational point of view?—Not much, in that sense; but I have a general idea as a publicist, and if you ask me anything specific, I shall tell you what I know.

41086. Your main object in advocating the simultaneous examinations is to increase the Indian element in the public service?—In the highest public service.

41087. Have you considered at all the possible effects of the introduction of the simultaneous examination on Indian education itself?—Not exactly from that point of view. That has not occurred to me in that way.

41088. Does it occur to you, as a possible disadvantage, that you should ask all the cleverest boys in India to shape their educational course

with reference to the English examination devised to procure for the Service the best English boys; in other words, that you would be, if I may say so, enslaving Indian education to an exotic course of study?—It occurs to me that it is more sentimental than anything else. If I can say, without disrespect, we are being enslaved—I am not using it in any political sense—to European culture, European civilisation and European tendencies of thought in all matters. We do not mind in the least if we are Europeanised. That being so, I do not think there is much harm accruing, if our educational policy is so shaped as to be moulded on European lines, if at the same time it could encourage students to go up for the Indian Civil Service.

41089. Would you not say that the safest method of introducing European culture into India is the method which is now being pursued by your educational experts, Indian and English, in India, and that is now embodied in the curricula of Indian Universities?—Even that, as you know it, has not given satisfaction to certain classes of people, who are dissatisfied with the curricula of Indian Universities, and are now agitating for founding National Universities for Hindus and Muhammadans at Benares and Aligarh. In such matters, there is no coming to an end. Each man has his own notion. Some people want to be more Europeanised and some to be less Europeanised. On that account, there is no sufficient reason why we should not mould our education on European models, if, at the same time, it gives our young men the chance of getting into the Indian Civil Service.

41090. Am I not right in thinking that the course which is being pursued by young Indian students and Indian Universities is a course which is not at present calculated to help them very far towards success in the open competitive examination in London?—Yes.

41091. May I know if I am right also in thinking that the Indian B.A. would be well advised to abandon his M.A. course entirely and to coach himself specially if he wishes to prepare himself for this London Examination?—Perhaps so.

41092. Would it not therefore follow that, if you introduce your system of simultaneous examinations, you would be diverting the very best Indian students from the M.A. course of your Indian Universities?—It may be that.

41093. Would not that really depreciate the value of your Indian M.A. degrees?—Perhaps so. It is a choice between two evils.

41094. I merely wish to point out the possible consequences?—Yes.

41095. Would there not therefore be the irresistible consequence that an agitation would arise in India to change your Indian University courses, in order that they may become more directly useful to candidates for the London Examination?—My own impression is that if by any change of system in our Universities, our young men will be able to pass the competitive examination in this country in larger numbers,

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the people would welcome it and they would not agitate for a reversal of that policy.

41096. They would welcome a change in the University curriculum if it enabled their boys to pass the examination?—Yes. They will set a greater store by it than on any fancied depreciation of the M.A. Degree.

41097. You will agree with me in thinking that the simultaneous examination would result in a considerable change in the University curricula in India?—I would, to some extent. It will have to be adapted to that.

41098. (*Mr. Madge.*) Every examination for the Civil Service is preceded by a declaration of the number of vacancies that are to be filled?—In the open competition in London?

41099. Yes?—I believe so.

41100. If simultaneous examinations were established in India, there would be a similar declaration here?—Yes.

41101. Vacancies having been declared say up to a certain number, no more could be filled than that number, in the case either of India or of England. Suppose the number of vacancies were 10 or 12 and there were 13 candidates in one country who secured more marks than those who passed in the other. Would they not feel that, having secured a better position in the examination, they were unfairly dealt with by men who had secured inferior marks, being taken in while they were left out?—That is not what I understand by the simultaneous examinations. What I understand is that they would be shown in one table according to the marks they get. The candidates appearing at the London Examination and the candidates appearing at the Indian Examination will be arranged in the order of merit, according to the marks they get. The first 10 or 12 will be taken according to the number of vacancies, whether they happened to appear in England or in India. That is what we understand by simultaneous examinations.

41102. Is it generally understood in that way? I thought that the declaration in India would be for Indian candidates and the declaration in England would be for English candidates?—No. Suppose the declaration for 1914 is that there will be 50 vacancies for the Indian Civil Service. There will be a number of candidates in London and a number here, and all those who compete will be shown in one table arranged according to the marks they have obtained. Whether they competed in India or in England, the first 50 will be taken.

41103. Would they take this view—those who are in favour of the simultaneous examinations? What I have gathered from those who are in favour of the simultaneous examinations is that this is not their view. However, you say that is the general impression?—Yes.

41104. So that, if we had any evidence to the contrary, that is mistaken?—Yes.

41105. You have said that you do not think that there is any prospect of any very large number of Indians passing the examination, at first, for very many years?—I gave my reasons for it also, at the same time.

41106. You say that there is no reason to think that any important class or community is likely to go wholly unrepresented if simultaneous examinations for the open competition were held both in England and in India?—Yes.

41107. Considering the extremely backward condition of education among a number of communities in India, how do you reconcile these two answers? How would a community which is backward be represented, if simultaneous examinations came in? First you said that for a considerable number of years there would be a number of unsuccessful candidates?—What I mean to say is that whereas there is no fear of the British element being swamped on the one hand, on the other hand there is no fear that any important Indian community shall go wholly unrepresented, by which I meant that the posts competed for and obtained shall fall not only to Hindus but also to Muhammadans, Parsees, Indian Christians and Anglo-Indians. The numbers may be small. It is not likely, regard being had to the progress of education, that the Muhammadan community, for instance, will be able to produce many successful candidates; but at the same time, some from that community will pass the examination, if held in India. That is what I meant to say.

41108. I was not thinking of the swamping of the British element, but of the numbers that would succeed. Do you think that education will advance sufficiently for any number of years among all communities to ensure the return of all communities within any reasonable period?—That is my impression. It may be great or small; and it may be small in a particular community. For instance, the Muhammadan community may not be able to come up to its one-fourth or one-sixth proportion; but nonetheless some Muhammadans will be successful.

41109. I am not thinking of Muhammadans alone, but there are many communities which are backward?—When I use the word communities, I use it with reference to big communities like Hindus, Muhammadans, Parsees, Indian Christians and Anglo-Indians.

41110. Is your opinion about the recruitment of the judicial service general throughout the country or confined to a particular class or province? You can only speak for your province?—In regulation provinces, as they are called, I would advocate the system. If any province like Burma or the Central Provinces is too backward, I would not start that system there.

41111. In reply to question (12) you want to exclude from the definition of "Natives of India" persons of unmixed European descent. Why do you think this definition of "Natives of India" was introduced at all?—I suppose—I

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can only give my supposition—that it was introduced to enable this class to get certain benefits.

41112. Certain appointments?—I presume certain privileges. Benefits may include appointments.

41113. Do you not think that this exclusion would militate against what is spoken of as the removal of race bar?—The reason why I put it that way is because—if my knowledge of the facts is wrong I will withdraw my suggestion—as I understand it, the situation is this: these gentlemen of unmixed European descent, while enjoying the full benefits of the expression “Native of India,” have certain other advantages over other Natives of India, which the latter do not share. For instance, they can send their sons into the Army or the Navy, whereas the other Natives of India cannot do that. Therefore I say, if they suffer from the same disabilities as we suffer from, let them be Natives of India; but when they have additional privileges to which we do not aspire or rather which we cannot get, it is better to keep them as Europeans. That is the view which actuated me in giving that answer.

41114. I did not ask you to balance the advantages enjoyed by one as against the advantages enjoyed by the other, but whether your answer did not militate against the general contention that there should be no race bar, considering that this has been removed?—It is no race bar to say that for certain purposes certain people should not be called Natives of India.

41115. After, however, admitting that it is introduced for the purpose of certain appointments?—Yes.

41116. In answer to question (42) you say “as to those who may be of mixed European and Indian descent, it is difficult to make any general suggestion; the course adopted may depend in each particular case on the requirements of the candidate.” I should like to understand what it is that is in your mind?—I shall explain to you. In the case of those who are of unmixed European descent, they are only technically Natives of India. In my opinion, they are Europeans to all intents and purposes. Therefore, I say that they should spend their period of probation here. But in the case of those who are of mixed European and Indian descent, it may be that in the case of a particular person he may have to be sent home for probation, and in the case of another, he may have to stay out here. It very much depends upon particular candidates, their qualifications and temperaments, and their habits and mode of thought, and so forth.

41117. Would you not be subordinating the interests of the Service to individual peculiarities—subordinating public interest to individual interests in that matter?—It is in the public interest, in order to make a candidate qualify himself. When the question of probation arises, whether he is to spend it in India or in England,

depends upon the fact which country will enable him to profit better by probation.

41118. (Mr. Abdur Rahim.) Apart from the question of the chance of any candidate belonging to any particular community to enter the Indian Civil Service, I should like to see if there is any very strong fixed opinion in the general public against Indian Civilians coming out at an immature age?—Yes.

41119. Does the general public opinion here favour men to come out here at a maturer age than those who come out here at a younger age?—Quite so.

41120. And that is on broad general grounds?—Yes.

41121. Apart from any question of the chances of Indians or Englishmen getting into the Service?—Quite so.

41122. You have been long connected with public movements?—For 20 years.

41123. And you have been connected with journalism and the only daily paper in this province, the *Beharee*?—Yes.

41124. So I asked you this question, because you would be in a position to know what the public opinion is on the point. You have been long at the Bar and I should like to know from your experience of the more important districts in this province, whether there are not proper materials for recruitment for the places of district and session judges in this province from the members of the Bar?—I think so. That is why I have urged it.

41125. You know the conditions of the Bar. Is the suggestion well founded in fact that those who are competent to hold these posts are in such a lucrative position that it would not be worth their while to accept them, and that those who would be willing to accept them are not men who are competent for the post? Is there any foundation for this suggestion?—I do not think so. I think it will be possible to obtain a sufficiently large number of Barristers and Vaidis, Indians and Europeans, who would care to take up service and who are quite competent, the temptation in their case being that, after a certain number of years' service, they will get pension and some of them could rise to the High Court Bench.

41126. Another question that I should like to ask you is this: is the opinion of your province, Bihar, very decided as to the advisability of separating the Executive and Judicial functions?—That is the one question about which I may say all classes and communities are absolutely united.

41127. It has been suggested that the objection to the present system is more or less theoretical and not based on facts, and that the evil of the system is actually exaggerated?—If you will permit me,—I do not know if this particular document has been brought to the notice of the Commission,—I will read from a speech of Sir Harvey Adamson, the Home Member of the Government of India in Lord Minto's time. He is now Lieutenant-Governor of Burma. Speaking

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in the Imperial Legislative Council as the Home Member, this is what he said :—"A deeper search reveals considerable dissatisfaction with the existing system. This is expressed chiefly in the reports of judicial officers. \* \* \* In short, there is the unconscious bias in favour of a conviction entertained by the Magistrate who is responsible for the peace of the district, or by the Magistrate who is subordinate to that Magistrate and sees with his eyes. \* \* \* The inevitable result of the present system is that criminal trials, affecting the general peace of the district, are not always conducted in the atmosphere of cool impartiality which should pervade a court of justice. Nor does this completely define the evil, which lies not so much in what is done, as in what may be suspected to be done; for it is not enough that the administration of justice should be pure; it can never be the bed-rock of our rule, unless it is also above suspicion." Then he goes on to say "the combination of functions must inspire a distrust of the magistracy in all who have business with the courts. Can it be said that under such circumstances the combination tends to enhancement of the prestige and authority of the executive? Can any Government be strong whose administration of justice is not entirely above suspicion? The answer must be in the negative. The combination of functions in such a condition of society is a direct weakening of the prestige of the executive." That is what he spoke as a Member of the Government of India.

41128. Can you give me the date of that speech?—This is the speech of the Home Member of the Government of India as published in the *Gazette of India* of the 28th March 1908. May I add one word. Sir Harvey Adamson is one of the few officials who had been both the highest judicial officer and executive officer before he became the Home Member. He was the Chief Judge of Burma and spoke with the weight of his long experience. In the course of his speech he went on to foreshadow a scheme which the Government of India proposed to carry out, and it is five years since that we have not heard anything about it.

41129. I understand the opinion is very strong in the profession?—Very strong amongst all thinking classes.

41130. And in the profession?—In the profession also.

41131. Among all ranks of the profession?—Yes.

41132. Is there any difference of opinion, so far as you know?—Not at all.

41133. (*Sir Theodore Morison.*) Would you mind telling us the reasons for the answer which you gave just now that Indians desire Englishmen to come out here at a maturer age?—That is because those who come out at a maturer age are supposed to exercise greater discretion in the matter of dealing with Indians, either officers or

gentlemen, than those who come out at a tender age.

41134. We have had a good deal of evidence before us to the effect that the Civilians who came out in old days were much more beloved, and one heard many glorious pictures of the old Civilian in contrast to the modern Civilian. Do you agree with it?—I have no personal experience. It may be like the dreams of a golden age that we read of in books. It may be that the Indians were then more amenable to the influences of the Civilian than they are now on account of the fact of their having become more assertive, as a result of their education and various other influences.

41135. Those people who had been so much loved and regretted came out at a younger age than now. You have a class of Civilians who come out at an older age?—A few years older.

41136. You do not propose that the age should be older than they come out at now? Do you desire them to come out older?—If they come at about 24 or 25, I shall be quite content.

41137. May I refer to your answer to Mr. Fisher? Do you value the culture of modern Europe?—I do very much indeed.

41138. I understood you in your answer to Mr. Fisher to say that you are quite willing that the present system of Indian education should be assimilated to that of England?—Not in all respects, but making provision for the maintenance of our own culture as embodied in Sanskrit, Arabic and Persian and without discarding it, and at the same time assimilating it as far as possible.

41139. I have just been looking at the marks assigned at the present moment at the competitive examination, and I find that in the linguistic side the highest marks are given for the study of Latin and Greek, and if Indians based their educational system upon what we give the highest marks for they would abandon the study of English, which I imagine you value very much?—That we value very much.

41140. And would take to the study of Latin and Greek if they wanted to secure the largest number of marks?—So far as that is concerned, Indians have their own Asiatic classical languages of Sanskrit and Arabic, and to some extent Persian and Pali. That being so, these will replace Latin and Greek, so far as Indians are concerned, as regards classical languages.

41141. As a medium of culture, but not so far as marks are concerned?—I suggest that the marks for Arabic and Sanskrit should be raised, so that they might equalise with Latin and Greek.

41142. They would still not remain under your system as an incentive to modern European studies, as the English system of education gives the greatest attention on the linguistic side to the study of these two languages?—Naturally English education, I understand, has European classics, and therefore to Latin and Greek more importance is attached, so far as that is concerned.

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But in the case of Indian students, Arabic and Sanskrit are the classical languages.

41143. Where is your study of modern European culture going to come in, which, I understand, you value most and which does form the basis of the Indian University system?—English would remain and there would be modern European languages, German, French and Italian. I do not know if they are now prescribed, they used to be prescribed some time ago; and I would keep them as optional courses for a boy to take them up if he chooses.

41144. Under any system that you can work out, you will find that you will give much less encouragement to modern European culture and to science than your Indian Universities do?—I have not worked out the scheme. I will take it from you, if you say so.

41145. If that is so, I want to put to you again the question. Would it not be better to have a system of examination which reflected your own educational system than try to adapt your own system to the educational rig of Europe?—I am afraid I did not make it clear in reply to Mr. Fisher's question. This question can be looked at from two different points of view. Judged strictly from the point of view of the educational standard, the view that you are putting forward may be a very proper one, but in this matter, the Indian looks not so much from the point of view of a high standard of culture and educational progress, as from a practical consideration of securing a larger number of posts in the higher ranks of the public service in India; and from that point of view he would rather sacrifice the system of education, if it will enable him to secure a higher number of posts.

41146. How many would you secure under the most sanguine expectations?—Not many.

41147. About 10?—The number will increase and not decrease.

41148. For the sake of 10 boys, you are going to sacrifice the Indian educational system?—In some cases, theory has to be sacrificed for practice.

41149. How many Indians secure very tolerable education under the present system and take their B.A.?—The number from all the Indian Universities?

41150. Yes?—500 to 1,000.

41151. More than that—it must be 2,000?—Yes, I am not sure.

41152. (Mr. Maude.) Have you any idea as to how many out of the total number of Indian students who go to England every year are prepared to go up for the Indian Civil Service? Have you ever ascertained anything about it?—The number of students in England is fairly large—about 2,000 or 1,500.

41153. Out of the many that go home, how many go up every year for the Indian Civil Service Examination, roughly speaking?—Not more than a dozen or half a dozen.

41154. Not more than 200 to 300 go to England?—Yes.

41155. Do you think that there is any connection between the small number that go for the Indian Civil Service Examination and the age-limit fixed for that examination. I am speaking with reference to your answer to question (13), where you say that the present age-limit ought to be retained. Do you think that there is any connection between the two?—Yes. Since the last few years, only those Indians who go after taking their degree here, are supposed to have a better chance than those who go without taking the degree. As it is impossible for an Indian student to leave India before 20 or 21, if he has to leave after taking his degree, and unless he gets 2 or 3 years in England, he is not generally a success, I am, therefore, in favour of the present age-limit being retained at 25.

41156. You do not think that, if the age was lowered, out of the total number of students that will go to England, there will be a larger number who would be able to go up for the Indian Civil Service?—I do not think so.

41157. If you are not able to get the simultaneous examinations, have you heard the suggestion as an alternative of scholarships being held in England, and of a College out here in which boys would be trained from 13 to 15 and then sent to England more or less under Government regulations for the purpose of appearing for that examination?—I have heard something and seen in the papers that a suggestion to that effect was made here.

41158. What I want to know is: would you prefer the scholarships system and the college, if you fail to obtain the simultaneous examination?—I prefer the scholarships system, as it will enable the Indian students to go to England and read there in a school or a college and then appear for the open competitive examination.

41159. Why do you prefer that system? Do you think that the study for extra years at Home affords particularly good training?—I do think even now that if the Indian student does not fall into bad ways and habits in England, but is looked after fairly properly, he will certainly derive much greater advantage by his study in England than he would do in India.

41160. I would refer you to your answer to question (54) in which you say that all classes and communities of the province are not duly represented in the Provincial Service; and as a remedy you suggest that the best course would be the recruitment by open competition for all posts in the Provincial Service. I take it by open competition you do not really mean open competition, but open competition among the residents of the province?—Yes, quite so.

41161. What do you mean by classes and communities?—There is no finality as to classes and communities in a country like India, where a large percentage of population is uneducated and below the surface. As they come up in course of time, naturally there will be enlargement in the scope of classes and communities. When I speak of classes and communities, I mean

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[concluded.]

classes and communities from whom the Service can be recruited.

41162. You do not mean any restriction as to Muhammadans, Hindus, etc?—That term is employed to include Muhammadans, Christians, Hindus, Parsees, and Buddhists, and it will also include zamindars, middle classes and land-holding classes. That expression is vaguely employed.

41163. By classes you include all sorts and conditions of men?—Not quite that. There are classes which furnish at the present moment men for public offices and Government services.

41164. I do not quite understand you. I will give you an instance. Take Bhumihars. Have they ever been able to secure representation in the Service?—I do not know.

41165. Do you know that that is a class that should be specially encouraged?—If a proper candidate is available, I shall be glad to give him preference over a Kayastha.

41166. Do you think that the system of open competition would enable that class to be represented?—Quite so. If in the open competition Bhumihar candidates will come and compete and suppose you require four candidates for appointments, you take three from the top and then go down the list till you get a Bhumihar, and you take that Bhumihar who stands first in the list.

41167. Then what you advocate is not open competition?—Not technically.

41168. But the selection of the best men from all the different classes?—Up to a certain point it will be strictly open competition, and then you go down the list for the representation of particular classes.

41169. Are you in favour of merging the subordinate Civil Service with the Provincial Civil Service?—Yes, completely. I have said so.

41170. If that is done, then would you start with the present lowest grade of the Provincial Service or with any other grade of the Subordinate Civil Service?—With the lowest grade of the Provincial Service. No doubt it will add to the expenditure, but I do not mind it.

41171. (Mr. Datta.) In reply to question (63) about superannuation pensions you say, "I am not in a position for want of knowledge of the subject to express any opinion." I shall give you facts and I will ask for your opinion?—I do not profess to be an expert on the point. (Chairman.) There is no use putting that question if Mr. Sinha is not in a position to answer it.

41172. How long were you at the Bar?—For 20 years.

41173. Do you think that the decisions of Indian Munsifs and Sub-Judges on facts and law are generally satisfactory?—Very satisfactory.

41174. What do you think of their decisions as compared with those of European District Judges?—In regard to that matter I need not give my own opinion. The Lord Chancellor Selbourne, speaking in the House of Lords, said

that the decisions of the Indian Judicial Officers were on the whole better than those of the European officers. That was 30 years ago.

41175. Is that your opinion also?—Yes.

41176. Do you not think that the delay in the disposal of cases is due to the fact that the officers are overworked?—Quite so. I have said so in reply to a question from Sir Murray Hammick.

41177. As a necessary consequence, do you not think that no amount of supervision or goading would mend matters, unless the Service is properly manned?—That is my view.

41178. Some increase in the staff is absolutely required for the speedy disposal?—Yes.

41179. (Mr. Hussain.) You say in answer to question (60) that you advocate a time-scale of pay up to Rs. 600 and beyond that I suppose you will have selection?—That is what I imply.

41180. Will you be prepared to modify your opinion if I assure you that the wholesale system of promotion by time-scale of pay was tried in the Opium Department with very good results?—Up to the highest grade?

41181. Yes; subject always to approved services. In fact every increment in a Government office in a ministerial post is always given subject to that reservation. If you are assured of the precedent of the Opium Department, in which the system was tried with very good results up to the highest grade, would you be prepared to modify your answer and say that it may be extended to all the grades?—Yes, I will do so.

41182. Of your profession you say you had experience of 20 years?—I have had 20 years' experience of the Bar and of public life.

41183. So that you have seen the work of Deputy Magistrates?—Of course I have. I have been practising before them all my life.

41184. Do you think that your proposal to increase the pay of listed posts is justified by the experience and abilities of these officers?—I say so. I say "regard being had to good work done."

41185. As regards ability?—By good work, I do not mean goodness of heart, but ability.

41186. Administrative ability for the posts that you advocate should be thrown open to them?—Yes.

41187. You know the class of officers known as Superintendent of Police?—Yes.

41188. Do you not think that the work of a Deputy Magistrate is as arduous as, and requires greater abilities than, that of Superintendents of Police?—A great deal more arduous.

41189. Do you not think that the Deputy Magistrates should rise to the grade of the Superintendents—Rs. 1,200?—In regard to pay you mean?

41190. Yes?—I have no objection, if the Government would give it.

41191. Do you consider it fair?—I personally consider it fair.

(The witness withdrew.)

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J. V. JAMESON, Esq., Representative of the Bihar Planters' Association.

*Written answers relating to the Indian Civil Service.*

41192 (1). What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I consider it generally satisfactory in principle, that the method of recruitment should be by means of an open competitive examination in England, but consider the present system might be modified as suggested in my reply to question (2). This and all subsequent replies refer to the Civil Service as a whole, except where either branch is specially mentioned.

41193 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—I consider that more attention should be paid to other qualities than the ability to pass an examination. I believe this result could best be obtained by compelling every candidate to get a nomination from a selection board at any time after he has reached the age of 18 years, before he is allowed to enter for the competitive examination. The selection board should chiefly take into consideration the candidate's character, personality, and physical fitness. Candidates successful in the competitive examination should spend one year on probation in India, in a Special Training College, and should be compelled to pass a qualifying examination on passing out in such subjects as Law and vernacular languages. On passing out of the Training College members of the Indian Civil Service should immediately be paid at the rate of not less than Rs. 500 per month. After four years' service the Local Government should be empowered to dispense with the services of any member of the Indian Civil Service without assigning any special reason, on payment of an annuity or lump sum in compensation. Every candidate should pass at least three years at a British University approved by the Indian Civil Service Commissioners before entering for the competitive examination, and a certain number of scholarships might be given by the Indian Government to selected candidates.

41194 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—The suggestion in answer to question (2) would make the system equally suitable for Natives of India and all other natural-born British subjects.

41195 (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—The combination of the two examinations is on the whole advantageous, as it tends to attract a larger number of candidates.

41196 (5). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His

Majesty?—I would disapprove of simultaneous examinations, as I consider that the administration should be carried on in accordance with British traditions, principles, and ideals, and that the best general way of ensuring this is to insist on all candidates for the Indian Civil Service having had a British University education.

41197 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service Cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—I consider that the suggestions made in answer to question (2) would be the best practical method of recruitment for the Indian Civil Service, and that appointments to it should not be made by any other means.

41198 (8). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for admission to the Indian Civil Service by means of (a) nomination, (b) combined nomination and examination, or (c) any other method? If so, describe fully what system you would recommend. In particular, do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?—See replies to questions (2) and (7). I do not consider that any class or community, as such, has any claim to appointments in the Indian Civil Service.

41199 (11). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system which you would propose?—No. I consider it essential that all judicial officers should have had executive experience.

41200 (12). Are you satisfied with the present statutory definition of the term "Natives of India" in section 6 of the Government of India Act, 1870 (33 Vict. c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter?—The present definition appears to be the best for practical purposes.

41201 (13). If the system of recruitment by open competitive examination in England is retained, state the age-limits that you recommend for candidates at such examination, giving your reasons?—The same as at present, because by lowering the age-limit candidates would be admitted of less matured character, and it is not advisable that they should start administrative duties at an earlier age than at present. By heightening the age-limit the number of candidates would be greatly reduced, and their number of years of possible active service lessened.



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41202 (14). What in your opinion is the most suitable age at which junior Civilians recruited in England should commence their official duties in India?—About 24 or 25.

41203 (15). What age-limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age-limits for Natives of India, and for other natural-born subjects of His Majesty?—I would recommend no differentiation.

41204 (16). What alterations, if any, do you recommend in the authorised syllabus of subjects and marks prescribed for the open competitive examination?—I have no suggestions to make.

41205 (17). Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons?—I would recommend no differentiation.

41206 (18). Do you consider it necessary that certain posts should be reserved by statute for officers recruited to the Indian Civil Service, and if so, what posts and for what reasons?—I do not consider that any posts outside the ordinary administrative service should of necessity be reserved for members of the Indian Civil Service.

41207 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service cadre do you consider that Natives of India might under present conditions properly be admitted?—I consider it essential that all the highest executive posts should be held by Europeans. I consider it inadvisable to fix any exact proportion as to the numbers of Europeans and Natives of India in the Indian Civil Service.

41208 (21). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and if so, what method of recruitment would you recommend?—No.

41209 (22). If the system of recruiting military officers in India for posts in the Indian Civil Service cadre has been stopped or has never existed in your province, would you advise its re-introduction, or introduction, as the case may be, and if the system should be introduced, or re-introduced, to what extent, in your opinion, should it be adopted?—I should consider its introduction unnecessary.

41210 (24). What is your opinion of the system by which certain posts, ordinarily held by members of the Indian Civil Service, are declared to be posts (ordinarily termed listed posts) to which members of the Provincial Civil Service can properly be appointed?—I consider the present system satisfactory.

41211 (25). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one quarter of the listed posts?—I would prefer to leave the selection to the Local

Government, and not to make any fixed rule as to the proportion.

41212 (26). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—Yes.

41213 (27). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—I would not suggest any alteration.

41214 (29). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the Service?—Yes. Also see reply to question (2).

41215 (31). Do you consider that any differentiation is necessary between the course of study for probationers who are Natives of India and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—I would recommend no differentiation.

41216 (32). Do you consider that the probationers' course of instruction could best be spent in England or in India? Is your answer equally applicable to the case of Natives of India and of other natural-born subjects of His Majesty?—In India for all probationers.

41217 (33). Do you think it desirable to start, at some suitable place in India, a college for the training of probationers of the Indian Civil Service, and possibly of other Indian Services recruited in England?—Yes.

41218 (34). Do you think it desirable that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—At one centre for all.

41219 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—I would recommend no alteration.

41220 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and, if not, how could this best be remedied?—I do not think there has been any deterioration. The more time a junior civilian can spend in camp and in learning the details of executive work, and the less time he is compelled to spend at routine clerical work, the better will be his knowledge of the vernacular.

41221 (38). Do you recommend any special course of study in law in India for officers selected for the judicial branch?—I consider that officers appointed to the judicial branch should have to make a special study of Indian Law, but make no suggestions as to details.

41222 (39). Do you recommend any special training in subordinate judicial posts in India for officers selected for the judicial branch? If so, please give details?—No.



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41223 (40). Is any differentiation desirable in a system of training after appointment in India between members of the Indian Civil Service who are Natives of India and other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No differentiation necessary.

41224 (42). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India, as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals?—No differentiation.

41225 (47). Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the service?—Yes.

*Written answers relating to the Provincial Civil Service.*

41226 (53). Do you consider that recruitment for a Provincial Civil Service should

ordinarily be restricted to residents of the province to which it belongs?—Yes.

41227 (57). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and if so, in what direction?—I would not recommend any change.

41228 (58). Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?—Yes.

41229 (59). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—Yes.

41230 (61). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service?—If not, what rates do you suggest for the various appointments?—Yes.

MR. J. V. JAMESON, called and examined.

41231. (Chairman.) You appear as the representative of the Bihar Planters' Association?—Yes.

41232. You thorofero come before us in the same capacity as Mr. Filgate?—Slightly different. Mr. Filgate was called as our Secretary by the Commission to give evidence; and the Committee of the Association thought that as Mr. Filgate had not been an active planter for a good many years, they would like that some actual planter should come and give oral evidence, who would be in a position to speak with more authority about the ryots and the agricultural population.

41233. Then you are here as representing those who are in active occupation?—Yes.

41234. Mr. Filgate gave answers to the questions about your Association and I need not therefore put them to you. The statement handed in this morning is more or less an elaboration or an explanation of your written answers?—Yes.

41235. Have these answers and the statement been passed at a meeting of the members of the Association or were they drawn up by a Committee?—Drawn up by a Committee.

41236. Your paper states that the population in the planters' district is a very primitive one, uneducated and largely inarticulate?—Yes.

41237. I gather that in such districts as yours, as a general rule, you prefer a European being in control of the district, to an Indian?—Yes.

41238. And further you would like to have Europeans who have had training at an English public school?—Yes.

41239. You regard as important for the administration of the Indian Civil Service, the training that is given to a boy at an English public school?—What we say is that that is the class of men that make the best Civil Servants.

41240. Am I to gather from that, that you would favour a scheme for giving facilities to Indians to go to England and be educated at a public school prior to going up for examination?—If possible. In talking it over, we thought it impracticable, and we thought it more or less a counsel of perfection. Therefore, we limited our ideas to the University course.

41241. You do not advocate it because you do not think that it is a workable scheme?—I do not think that it is a workable scheme.

41242. Your scheme, as I understand it, is for some board to inspect all candidates at the age of 18?—At any time after 18.

41243. In what way would that board be constituted?—I should say, in the first place, a majority of Europeans, representatives of the Indian Civil Service, and Native members of the Civil Service, and any leading Indian—men with experience of education.

41244. If Indians should desire to enter the examination in London, would you ask them to go before a Board at Home or would they have to go before a Board in India?—There should be a Board in India capable of giving them advice.

41245. Would you retain the same age-limit for the examination, 22—24?—Yes.

41246. So that a boy could come before this board between the ages of 18 and 22?—Yes.

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41247. Having passed the examination successfully, he would then proceed forthwith to a central College in India?—Yes.

41248. You do not suggest that he should have a University course?—Yes. The University course is a condition of his being allowed to go up for the examination at all.

41249. In which question is it you deal with it?—In answer to question (2).

41250. He passes through the University course, then he passes the examination at 22, and then he comes straight out to India?—Yes.

41251. Both the European and the Indian would live for a year in this College?—Yes.

41252. You say that, at the expiration of that time, if not deemed satisfactory, a candidate could be expelled?—We suggest one more year, if he could not pass a moderate qualifying examination in the first year.

41253. The question of his exclusion you say should be entirely left to the discretion of the Government?—Yes.

41254. They need not give any reasons for saying that the candidate is not to be continued in service?—Our suggestion is that after four years' service the Government may be empowered to remove a man; or if he failed to pass a qualifying examination, at the end of two years.

41255. That is at any time during the first four years?—At the end of four years.

41256. He should be compulsorily retired, if regarded as unsuitable?—Yes.

41257. Do you suggest any further facilities for the admission of Indians into the Indian Civil Service?—We suggest that scholarships should be given by the Indian Government to select candidates.

41258. How many of such scholarships would you suggest?—I could not exactly suggest how many. I take it that if anybody who secured nomination by this selection board proved that he was an exceptionally good man, and that he could not undergo the University course at Home, it would be within the discretion of the Board, or some other authority nominating him, to recommend him for the scholarship.

41259. You leave it open?—I would not fix the exact number.

41260. There will have to be some limit as to the number?—The Government of India could fix the number from what they could afford.

41261. As regards the central College in India, what is the particular reason that has influenced you and your Association in proposing this College?—The idea was that it would enable the passed members of the Indian Civil Service to know one another better, both Indians and Europeans, and generally to foster *esprit de corps* and rub off rough angles against one another, and to appreciate one another better to start with.

41262. Do you think that they would get a better form of training when acquiring a knowledge of Indian conditions and Indian characteristics, by means of this College, than by going out into the districts under a competent officer?—That

was not meant to be substituted. That was instead of one year's training at Home. Let them learn the vernacular languages of the province and the law at the College in India instead of at Home.

41263. It has been represented to us very largely by witnesses that the year of probation which at present exists is practically useless on account of its short duration?—I do not quite understand it. Why do they want longer training? Is it because the present training is not long enough? We should certainly see passed candidates going out into the districts.

41264. You only suggest one year?—Yes.

41265. In that year, you will expect these candidates to have training in Law and in Vernaculars?—Yes.

41266. Do you not think that a probation period of that length will be too short to acquire the requisite amount of training in those two important subjects?—I believe it will be the beginning of the training, and the rest of it will have to be acquired as an Assistant Magistrate when he goes out into the district.

41267. The great expense entailed by the institution of a College of this character would not be justified by the amount of training that would be attained on the part of candidates in so short a period as one year?—The idea was to start the training and to foster *esprit de corps* and enable them to know one another.

41268. That is the main object you have in your mind in proposing this College?—Yes.

41269. You think that it is all-important that those who are to join the Service should have an opportunity of coming together; and not only all Europeans, but Europeans and Indians?—Yes, both.

41270. Do you, in your experience of your district, find that the officers are, to any appreciable extent, over-worked?—I think they are.

41271. Which department would you say from your own observation is most heavily worked—the executive or the judicial?—The executive, especially the Collector himself.

41272. In what way is the Collector over-worked?—I cannot give the details. He always seems to have a tremendous lot of clerical work to do. Whenever you see him if he has been out camping, and if at any time the mail has not caught him up, he has always got large files of arrears to get through; and as soon as he comes back to head-quarters, there is a large amount of various kinds of routine work awaiting him.

41273. (Sir Theodore Morison.) Are you in favour of the separation of judicial and executive functions?—Not any more than they are now.

41274. (Mr. Abdur Rahim.) I understand that your Association would not exclude Indians from the Indian Civil Service or see their admission reduced, simply on the ground that they are Indians?—No.

41275. I suppose you are desirous of securing the best Indians for the Indian Civil Service, if possible?—The best men of every nationality.

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41276. I suppose that your Association would not regard with particular favour any feature of a given scheme which has the tendency to exclude Indians?—They have suggested a scheme which they consider would be fair to both.

41277. That factor would not weigh with them, more than the necessity of securing the best men?—No.

41278. The fact that any particular feature of a scheme would exclude Indians would not appeal to them as a good ground for favouring that scheme?—No. Not necessarily.

41279. That is what I thought. Can you tell me to what extent the judicial and executive functions are combined, or what is exactly your experience of it?—As far as I know, Deputy Magistrates, Joint Magistrates and Collectors always exercise both functions. The District Judge and the Collector are always divided.

41280. What functions?—All judicial functions—trying cases.

41281. What cases?—Criminal cases.

41282. Joint Magistrates and Deputy Collectors try criminal cases?—Yes.

41283. How is it combined with executive functions?—They also do executive work.

41284. What is the executive work?—Collecting revenue. We all know what the ordinary duties of an executive officer are.

41285. Do you know what bearing the collection of revenue has on the trial of criminal cases?—I cannot say.

41286. I do not suppose that you are familiar with your system?—We have stated it in our answer.

41287. You yourself are not in a position to answer any question on that matter?—No.

41288. You really do not know what the system is—what is the good or the evil of the system?—Which system?

41289. The combined system?—It is difficult to answer a very general question like that.

41290. I see that your Association has given the opinion that it is necessary for the judicial officers to have executive experience. You know that judicial officers try civil disputes?—Yes.

41291. What has executive experience got to do with civil disputes? I have asked you already about criminal cases?—I think the more a Judge knows about the people and the conditions of life, the more is he likely to arrive at correct conclusions.

41292. Is this opinion based on the fact that executive experience enables a man to know the people?—Yes.

41293. Is there any other ground?—That is the principal ground, so far as I know.

41294. Is there any other possible means of knowing the people?—To a Civilian it appears to be the only means.

41295. For a Civilian it is the only means—quite so. For other people?—For instance, what are the other people?

41296. Any of us; yourself and myself?—We have different kinds of work to do,—you and I.

41297. We can know the people without doing any executive work. I suppose you know the people?—Because I am brought into very close touch with them.

41298. Take the Indians. I suppose they know their own people?—Not necessarily.

41299. Is it the opinion of your Association that executive experience is necessary for all people to know the people of the country?—Not for all people.

41300. For Civilians as you say?—And for Judges in general. It is advisable.

41301. Will you tell me in what particular way he comes to know the people better than the men practising in courts?—It seems to me that the man, for instance, in a subdivision, who has been continually camping about for several years amongst the people, is very likely to have unofficially settled many disputes and got more into touch with the people than a Barrister or a Pleader would be in practising before Courts.

41302. I suppose people in houses surrounded by their own people and in communication with them know what their disputes are; they know what is happening all round among their own neighbours and among their families. Would not a man like that be in as good a position as, or in a far better position than, an officer living in camp to know the people?—Not necessarily.

41303. Do you know at all how Barristers and Pleaders get their instructions in conducting cases or what is the nature of the instructions they get?—A Barrister is, I presume, instructed by a Solicitor.

41304. Not necessarily?—By a Mukhtear.

41305. Or a Pleader?—Yes.

41306. A Pleader is instructed by his client?—Yes.

41307. Would he not know the people in that way?—I would not call it knowing the people. A man goes to a Pleader when he wants him to run a case for him. That is not knowing the people thoroughly.

41308. The opinion of your Association is that an executive officer knows the people better than a man living in this country as one of them?—Possibly.

(Adjourned for a short time.)

41309. (Mr. Madge.) You speak the vernacular, of course?—Yes.

41310. And are well understood by the class of ryot that you move about amongst?—Yes.

41311. Do you speak to them generally about Government or Law cases and things of that kind?—I have occasion to speak about their cases a good deal.

41312. Do they express any dissatisfaction about the trial of their cases, either about the officials who try them or the system by which they are tried?—They always try and get their case put on the file of a European Magistrate if they can.

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[concluded.]

41313. Do you move about much in your district?—Yes.

41314. What extent of country do you cover?—The land actually under lease to myself is about fifty square miles.

41315. And you move about freely?—Yes.

41316. Is the rest of Tirhut and thereabouts composed of much the same class of people?—Yes. I have been practically all over Champaran at different times.

41317. So far as the opinions you have expressed relate to the agriculturists, you think they would be upheld by that class of people?—Certainly..

41318. (*Mr. Chaubal.*) When an accused person is brought up and says he wishes to be tried by a European Magistrate and not by an Indian Magistrate, is it due to the feeling that the man has a better chance of acquittal before a European Magistrate?—I did not mean it in that way.

41319. Have you tried to ascertain what is the feeling in their minds when they express that desire?—The special cases I was thinking of were not so much actual criminal cases in which the accused are punished, but more disputes that come before the Criminal Courts, especially with regard to land.

41320. Is there any desire amongst accused persons that they should be tried by a European Magistrate rather than by an Indian, and if so, do you know whether that desire is due to a calculation of the chances of acquittal?—No. It appears to me mostly to be because they thought the Indian Magistrate would be prejudiced on one side or the other, either from religion, or race, or something like that.

41321. A fear has been expressed in some directions that Indian Magistrates convict more often than European Magistrates do, and that is why I asked the question?—The cases I was thinking of were cases that come before the smaller Criminal Courts and might be rather termed disputes; not criminal cases in which a man is punished.

41322. (*Mr. Datta.*) As the representative of the Bihar Planters' Association, have you had occasion to sue or be sued in the local Civil Courts?—Yes.

41323. Do you think that the decisions of Indian Munsifs and Sub-Judges are generally satisfactory on fact and Law?—My personal experience is too small for me to form an opinion.

41324. In answer to question (61) you approve of two-thirds pay for listed posts?—Yes.

41325. Do you know the pay of a third grade District Judge, European, in the Indian Civil Service?—As far as I remember, it is about Rs. 1,850.

41326. It is Rs. 2,000. Do you know the listed pay of the third grade Indian District Judge?—I suppose it is two-thirds.

41327. It ought to be two-thirds, but it is not?—I do not know the exact figure. I was only going on the idea that the members of the regular Civil Service as a rule have more expenses.

41328. There is no doubt about that?—That is what I understood to be the meaning of the question, simply as a general rule.

41329. As a fact have not also the Indians to keep up the prestige and the traditions of the European Judges?—I think it is a fact that they do not live in such an expensive way.

41330. Should it not be three-fourths?—I do not feel called upon to express what should be the exact amount. I took this question as meaning generally that the officers of the Provincial Civil Service should not have exactly the full amount because they did not live as a rule quite in such an expensive way.

41331. (*Mr. Hussain.*) You propose no alteration with regard to the listed posts open to the Provincial Civil Service, so that I take it you think the present arrangement and the present description of posts are suitable, and that no alterations are needed?—Yes, as far as I know.

41332. Do you know what the listed posts are?—As far as I remember, there are four posts of the rank of Collector or Commissioner.

41333. What idea had you in your mind when you recorded your answer to question (27)? There is one post of Commissioner?—Yes, and as far as I remember four equivalent to a Collector. Four listed posts in the senior ranks.

41334. One Commissioner and four Collectorships?—Yes. It is not the number of posts exactly, but the usual practice, as far as I have seen from experience, is that such posts as Commissioner of Excise, outside the executive posts, are kept open for the Provincial Civil Service.

41335. I think you had in your mind that even a Commissionership is open as one of the listed appointments?—Or a post of that rank.

41336. Commissionership of a division?—Not an actual Commissionership. I do not remember any appointment to one personally.

41337. All appointments need not be filled up as open to the Provincial Service?—Posts equal to the rank of Commissioner.

41338. You take that as one of the listed posts that should be open to members of the Provincial Service?—I did not say the post of a Commissioner, but a post equivalent to the rank of a Commissioner.

41339. You had that in mind when you said that the present arrangement of listed posts was suitable?—Yes.

(The witness withdrew.)

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SAIYID FAKHR-UD-DIN.

KHAN BAHADUR SAIYID FAKHR-UD-DIN.

*Written answers relating to the Indian Civil Service.*

41340 (1). What is your experience of the working of the present system of recruitment by open competitive examination in England for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—The system of recruitment by open competitive examination is satisfactory and sound in general principle, but there are defects in detail as will appear from answer to question (2).

41341 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—At present the competitive examination is held only in England. Many an intellectual and energetic Indian quite fit to compete at the examination is unable to do so for want of sufficient means. I know that for some time to come there may not be many Indians able to compete with the Europeans even if the system of simultaneous examination is introduced in India, as there will be practical difficulty in training the candidates up to the standard. But this will give impetus to the future generation, and it is expected that within a few years India will be able to return a sufficient number of successful candidates. I should also submit that in selecting people for the administration of the country, competition should not be the only test. The character of the man and social position of the family should play an important part. I should therefore suggest that strict proof of respectability and character ought to be produced by the candidate before he is allowed to appear at the competitive examination. In simultaneous examination some difficulties might be pointed out as regards *visà voce* examination. I should like to suggest that the system of *visà voce* examination should be abolished altogether and, if this suggestion be not accepted, I should like to suggest in the alternative that questions be settled beforehand by means of correspondence. The introduction of the system of simultaneous examination will remove the discontent prevailing in the country and will satisfy the legitimate aspirations of the people. The Muhammadans, however, are afraid that by pure competitive simultaneous examination held in England and India their interests might be prejudiced for some time to come. It may be therefore desirable that the recruitment be made by combined examination and nomination. A certain percentage of services should be reserved for nomination. But the nomination should not be made from outside. It should be confined to the candidates appearing at the competitive examination. If any important community is not fully represented in the Indian Civil Service by competitive test, selection should be made from the candidates of that particular community. Such candidates should have obtained highest marks next to those selected in order of merit.

41342 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—The

answer is covered by my answer to question (2).

41343 (4). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—There is a general feeling that natural-born subjects of His Majesty residing in Colonies should not enter the Indian Civil Service on account of their intolerance towards Asiatic people. In no other respects the combination of competitive examination seems disadvantageous.

41344 (5). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose?—The answer to question (2) covers the answer to this question.

41345 (6). In particular, what would be your opinion regarding a system of simultaneous examinations in India and in England, open in both cases to all natural-born subjects of His Majesty?—I have already answered; I am in favour of simultaneous examination.

41346 (7). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service Cadre by Natives of India, recruited by means of a separate examination in India, or by means of separate examinations in each province or group of provinces in India? If you favour such a scheme, what proportion do you recommend?—No separate examination should be held in India, for that would lower the status of the Service.

41347 (8). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which Natives of India would be selected in India for admission to the Indian Civil Service by means of (a) nomination, (b) combined nomination and examination, or (c) any other method? If so, describe fully what system you would recommend. In particular do you consider it desirable that all classes and communities should be represented in the appointments so made? If so, how would you give effect to this principle?—I am in favour of simultaneous examination. But in order to safeguard the interests of important communities, the system of combined examination and nomination should be resorted to for the purpose of recruitment. Only a certain number of vacancies should be reserved to be filled up by nomination. If any important community is not represented in the Indian Civil Service by the competitive test, the unsuccessful candidate of that particular community who stands highest in the list of unsuccessful candidates of that particular community should be selected for such vacancies. I would desire that all communities should be represented as far as practicable in the Indian Civil Service. But at the same time I do not propose that this should be done at the risk of efficiency.

41348 (9). If you are in favour of a system for the part recruitment of the Indian Civil Service by Natives of India in India, do you consider that "Natives of India" should still be eligible for appointment in England?—In the

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[ continued.

system of appointment by combined nomination and examination there seems to be no objection to the Natives of India getting appointment in England.

41349 (10). Would you regard any system of selection in India which you may recommend for young men who are "Natives of India," as being in lieu of, or as supplementary to, the present system of promoting to listed posts officers of the Provincial Civil Service? If the former, what alteration, if any, would you recommend in the conditions governing the Provincial Civil Service?—I am entirely in favour of promotion to the listed posts. Even in case of simultaneous examination being allowed to be held in India, there will be hardly any chance for at least a quarter of a century to get a sufficient number of successful Indians. Hence it seems desirable to retain the system of promotion to the listed posts. If my information is correct, there are only 47 Provincial Civil Servants in the Indian Civil Service, which is much less than even one-sixth of the total appointments for members of the Indian Civil Service. In this respect my own Province of Bihar and Orissa is at a great disadvantage. Only six vacancies are reserved as the listed posts for this Province. This is most disappointing to the members of the Provincial Civil Service. I wish there should be a wider expansion of such posts.

41350 (11). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system which you would propose?—I am not in favour of the appointment of the members of the Indian Civil Service in the Judicial Branch of that Service. A member of the Indian Civil Service working for a short time first as an Assistant Magistrate and then as a Joint Magistrate is at once made the District and Session Judge. Being ignorant of Civil Law, he sits in appeal upon the judgments of Munsifs or Subordinate Judges of vast knowledge of Civil Law, and authorities with vast experience. This is entirely unsatisfactory. My first proposal is that the members of the Indian Civil Service should be reserved for the Executive branch only. The Judicial officers should be taken from the Bar. My alternative proposal is that the members of the Indian Civil Service, after completing their probationary period, should be asked to choose the branch of Service to which they wish to stick for the term of their service, and those selecting the Judicial branch should be trained from the very beginning in Civil work, especially in trying original suits. But even in the system of recruitment a considerable percentage of the Judicial appointments should be filled up by the members of the Bar.

41351 (12). Are you satisfied with the present statutory definition of the term "Natives of India" in section 6 of the Government of India Act, 1870 (33 Vict. c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent,

or of unmixed European descent? If not, state fully any proposals that you wish to make in regard to this matter?—I do not propose any change.

41352 (13). If the system of recruitment by open competitive examination in England is retained, state the age limits that you recommend for candidates at such examination, giving your reasons?—The age limit should be 23 years. A student cannot appear at the Matriculation examination of the Calcutta University before he completes his 16th year. He cannot even under the brightest condition of his career obtain the B. A. degree before he completes 20 years. Hence he cannot be ready for the Civil Service examination before he completes his 21st year, and then it is fair that he should get two chances for that examination.

41353 (14). What, in your opinion, is the most suitable age at which junior Civilians recruited in England should commence their official duties in India?—At the age of 25, and not before.

41354 (15). What age limits for the open competitive examination in England would best suit candidates who are Natives of India, and for what reasons? Do you recommend any differentiation between the age limits for Natives of India and for other natural-born subjects of His Majesty?—I do not propose any differentiation in age limit between the Natives of India and for other natural-born subjects of His Majesty.

41355 (16). What alterations, if any, do you recommend in the authorised syllabus of subjects and marks prescribed for the open competitive examination?—I would recommend that Greek, Latin, French and German be eliminated. But if it be impossible or impracticable to do so, I should suggest that Pali and Persian should be included. I am informed that Europeans, as a rule, take up Latin, Greek, etc. Now if Pali and Persian will be introduced, the Indians will be able to take up either Sanskrit and Persian, or Sanskrit and Pali, or Arabic and Persian. The marks for Arabic and Sanskrit should be the same as those prescribed for Latin and Greek.

41356 (17). Is any differentiation in the subjects for the open competitive examination in England desirable between candidates who are Natives of India and other candidates? If so, state them and give reasons?—No.

41357 (18). Do you consider it necessary that certain posts should be reserved by Statute for officers recruited to the Indian Civil Service and, if so, what posts, and for what reasons?—The District Judgeship and Secretaryship should be eliminated from the scheduled appointments, and the number of listed appointments is at present only  $\frac{1}{4}$ th; this should be raised to  $\frac{1}{3}$ th.

41358 (19). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service Cadre do you consider that Natives of India might under present conditions properly be admitted?—I do not think that it is necessary to fix a minimum proportion for European subjects of His Majesty in the Indian Civil Service, as it is not likely that Indians will be able to swamp

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a large number of posts in the Indian Civil Service for at least 30 years.

41359 (20). Do you accept as generally satisfactory in principle the present system under which Natives of India are recruited for posts in the Indian Civil Service Cadre partly through the medium of an open competitive examination in England, and partly by special arrangement in India?—No. I have already indicated my view.

41360 (21). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived and, if so, what method of recruitment would you recommend?—No.

41361 (22). If the system of recruiting military officers in India for posts in the Indian Civil Service Cadre has been stopped or has never existed in your Province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent, in your opinion, should it be adopted?—So far as my information goes, there are no military officers in the posts of Indian Civil Service in this Province, and I do not wish that they ought to get such posts.

41362 (23). Are you satisfied with the present rule which prescribes that Natives of India, other than members of the Provincial Civil Service or Statutory Civilians, may be appointed to one-quarter of the listed posts?—No.

41363 (26). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service?—No; for there is no practical advantage.

41364 (27). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—The class of listed posts is not suitable: some higher posts, as those of Commissioners and Secretaries, should also be included in the class of listed posts.

41365 (29). Do you consider that candidates recruited for the Indian Civil Service by open competitive examination should undergo a period of probation before being admitted to the Service?—Certainly.

41366 (30). If so, how long, in your opinion, should this period be, and what course of study should be prescribed for the probationers?—In my opinion there should be a probation of at least two years. The course of study during probation should be History of India (Hindu and Muhammadan period), History of England, Hindu and Muhammadan Law, the Procedure Code of India, other law books, and study of works by attending courts. But over and above this the successful European candidates should be made to learn Indian languages. The Indians ought to learn the customs and manners of Europe, while the Europeans ought to learn the customs and manners of India. I would therefore propose that in case of simultaneous examination the successful Indian candidate should be sent to England, and the European candidate should be sent to India, to undergo the probation for at least two years.

41367 (33). Do you think it desirable to start, at some suitable place in India, a college

for the training of probationers of the Indian Civil Service, and possibly of other Indian Services recruited in England?—I do not think that it will be necessary to start a college for the training of probationers of the Indian Civil Service. They are required to have more of practical knowledge than of theoretical knowledge.

41368 (34). Do you think it desirable that each Provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—No.

41369 (35). Are you satisfied with the present arrangements for the training of junior officers of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—Certainly not. At present he sometimes attends the Court of Sessions Judge, and takes down notes only; this is highly unsatisfactory. During the period of probation he should work with some Barristers and Vakils of great renown. He should mix freely with the Indians. I have already sufficiently indicated the change proposed by me.

41370 (36). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages and, if not, how could this best be remedied?—Most of the European officers did not possess knowledge of Indian languages. Those who did possess some knowledge of vernaculars of India have lost it on account of their keeping aloof from the Indians. They never attain to an adequate proficiency in the study of the Indian languages. There are exceptions as well. But the number of such exceptions is very small. The European Civilians should not only study the Indian languages, but should also be made to mix freely with the Indian fellow-subjects.

41371 (37). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch?—As to the Executive branch of the Indian Civil Service, the elementary principles of law which are necessary for the administrative works should be included in their Departmental Examination. As to the Judicial branch of the Service my proposal is that the officers should not be taken from the members of the Indian Civil Service, and if they are taken at all from amongst the members of the Indian Civil Service they will have to be trained from the very beginning, and only those who will display a fair knowledge of law in deciding Civil cases will get their promotion.

41372 (38). Do you recommend any special course of study in law in India for officers selected for the Judicial branch?—They should work as a Munsif for a short time, then as a Subordinate Judge, and then they should be promoted to the Judgeship.



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[ continued.

41373 (39). Do you recommend any special training in Subordinate Judicial posts in India for officers selected for the Judicial branch? If so, please give details?—The works of Subordinate Judicial posts are always of a civil nature; officers of Subordinate Judicial posts should be specially trained for Criminal works; selected officers, including the Munsifs, should be vested with the powers of trying Criminal cases.

41374. (40). Is any differentiation desirable in a system of training after appointment in India between members of the Indian Civil Service who are Natives of India and other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No.

41375 (42). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are Natives of India as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals?—No.

41376 (47). Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various grades of the Service?—They ought to be equally treated in the matter of pay.

41377 (49). Have you any proposals to make in regard to the leave rules applicable to Statutory Civilians, and to members of the Provincial Civil Services holding listed posts? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?—I have got no proposals to make. I do not think it desirable to have separate sets of rules.

*Written answers relating to the Provincial Civil Service.*

41378 (51). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—I would make the following recommendations:—*I.—Executive Branch.*—(i) Appointments should be made by combined examination and nomination; (ii) two-thirds of the declared vacancies should be given to the competitors, and the remaining one-third should be filled up by nomination; (iii) in such nomination regard should be had to the adequate representation of any important community or communities of the Province; (iv) such nomination should not be made from outside—it should be strictly confined to those candidates who have secured next highest marks amongst the candidates of any such community whose representation has been inadequate by the competitive test; (v) in every case candidates should be required to give strict proof of the respectability and the social position of his

family, of his moral character and physical fitness; (vi) educational qualification should in no case be less than the degree of Bachelor in Arts; (vii) the age limit should be raised from 25 to 27 years. *II.—Judicial Branch.*—(i) The rule that no Pleader, Barrister, or Advocate should be eligible for appointment unless he has actually practised for three years should be relaxed, and the term should be reduced to one year; (ii) the appointment should be made from amongst the members of the Bar; (iii) due regard should be had to the representation of different communities of the Province; (iv) the age limit should be 29 years if proposal No. (i) be accepted; (v) higher grade service in the Judicial Branch of the Provincial Civil Service should also be given to the practising pleaders or barristers of experience without regard to their age; (vi) in rule VIII pleaders enrolled in any High Court but practising in Mufassal courts should also be included.

41379 (53). Do you consider that recruitment for a Provincial Civil Service should ordinarily be restricted to residents of the Province to which it belongs?—Yes.

41380 (55). Are you satisfied with the existing arrangements for the training and probation of officers appointed to the Provincial Civil Service? If not, please state your objections and what other arrangements you recommend?—So far as the Executive Branch of the Provincial Service is concerned, one year's probation is quite enough. The pay for the probationary period is too small, regard being had to the change in the mode of living and the rise of market prices of all commodities. During the probationary period an officer should be deputed to work as an Assistant to the senior officers of that branch of the Service. In the Judicial branch of the Service the probationary period is very large. After passing the B. L. Examination a candidate for the Judicial Service has to practise as a pleader for three years, after which he becomes entitled to get himself enrolled in the High Court for a Munsifship. Then he has to officiate for broken periods in different places for at least three years before he could expect his confirmation. This arrangement is most unsatisfactory. Firstly, he has to wait for a long time for confirmation; secondly, after officiating for broken periods he has to revert to his own practice, but on account of break in his practice he loses all his clients; and thirdly, he neither gets any pay for the time he is not doing officiating works nor those periods are taken into account in his pension. I would suggest that the term of three years' practice should be cut down to one year. After enrolment, when he gets first appointment, he should continue in service till he is confirmed. After being relieved of his officiating appointments he should not be made to revert to his practice—he should be employed in inspecting offices and supervising the works of ministerial officers. It is highly desirable that in each district head-quarters two or three probationary Munsifs should be attached to the office of the District Judge, and during the probationary period he should get Rs. 150 a month, and where any vacancy occurs on account of the permanent incumbent taking leave, he should be employed to officiate, and for such periods he



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should be allowed to draw one-third of the officiating pay in addition to his own pay of Rs. 150.

41381 (56). Do you consider that the numbers of officers authorised for the various grades of your Provincial Civil Service are satisfactory? If not, please state your views?—They are not satisfactory.

(i) In the Provincial Executive Branch of the Service there should be seven grades in this Province with the following grade pay:—(a) Rs. 1,200, (b) Rs. 1,000, (c) Rs. 800, (d) Rs. 600, (e) Rs. 500, (f) Rs. 400, (g) Rs. 300. There are at present 222 appointments in this province and the whole should be graded in the above scale.

(ii) In the Provincial Branch of the Judicial Service there should be seven grades in this province with the following pay:—Subordinate Judges:—(a) Rs. 1,200, (b) Rs. 1,000, (c) Rs. 800 Munsifs:—(a) Rs. 600, (b) Rs. 500, (c) Rs. 400, (d) Rs. 300. For probationers Rs. 150 in addition to one-third of the officiating pay, or in the alternative they should be given Rs. 250 only all through. There are at present 20 posts of Subordinate Judges and 68 posts of Munsifs. They all should be graded according to the above scale.

I have to suggest that in the first place time-scale of pay should be fixed for both the branches of the Provincial Civil Service. If this suggestion is not accepted, then I would suggest alteration in the grades.

(iii) The number of Munsifs and Sub-Judges in Bihar should be increased. The public have a right to demand speedy disposal of their cases. The Government should not grudge the increase of expenses as the income from this source is very large.

(iv) At least one-fourth of the District Judgeships should be given to the Subordinate Judges.

41382 (57). To what extent are the functions of the officers of the Executive and Judicial branches of your Provincial Civil Service differentiated? Is any change desirable and, if so, in what direction?—The Executive and Judicial functions should be separated. The Criminal side and the Civil side of the Judicial branch of the Provincial Service should be amalgamated and placed under the direct control of the High Court in the matter of appointment, promotion and transfers, while the Executive Branch of the Provincial Service should be placed under the control of the Executive authorities.

41383 (58). Are you satisfied with the present designation "The Provincial Civil Service"? If not, what would you suggest?—I would suggest that the Provincial Civil Service of each province should be named after the name of that Province, e.g., the Provincial Civil Service of my Province may be called "The Bihar and Orissa Civil Service."

41384 (59). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—One

pay should not be fixed for the whole country. Pay for officers of Provincial Civil Service should be fixed differently in different provinces.

41385 (60). Are the existing rates of pay and grading in the Provincial Civil Service of your Province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—I have already suggested the change in the grade. But I have to make one more suggestion—that for both the branches of the Provincial Civil Service time-scale of pay should be fixed. An annual increment of Rs. 25 should be allowed in the various grades of services.

41386 (61). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—They should be equally treated in the matter of pay.

41387 (62). Have you any proposals to make with regard to the leave rules applicable to the Provincial Civil Service? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—Privilege leave rules for the Provincial Judicial Service should be modified; the officers of that Service should get full pay for the privilege leave.

41388 (63). Are you satisfied with the present system of superannuation pensions for officers of the Provincial Civil Service? If not, please say what modifications you would suggest, and on what grounds?—(i) 20 years' actual service should entitle the officer to full pension even if he has not attained the age of 55 years. (ii) Extensions should not be allowed as that blocks promotion of junior officers. (iii) Officers should be forced to contribute a certain percentage of their pay towards family pension, and there should be an equal amount of contribution by the State.

41389 (64). Are you satisfied with the existing organisation of the Provincial Civil Service? If not, please state what alternative organisation you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—The organisation as it exists, with the various changes suggested above, will be quite sufficient, but I wish to add that the post of subordinate executive service should be abolished altogether, as the same educational qualifications are required for the post of a Deputy Magistrate as well as of a Sub-Deputy Magistrate. The two services should be amalgamated. There ought to be one consolidated service.

41390 (65). Have you any other proposals to make in regard to the Provincial Civil Service not covered by your answers to the above questions? If so, please explain them?—The travelling allowance allowed to the officers of the Provincial Civil Service is not sufficient. They should get double first-class fare—if not, the actual cost of their travelling, especially in case of their transfers from one station to another. If the suggestion be not accepted, then double first-class fare should be allowed to such officers as draw Rs. 500 per month as their pay.

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KHAN BAHADUR SAIYID FAKHR-UD-DIN, called and examined.

41391. (*Chairman.*) You are a member of the Bihar and Orissa Legislative Council?—Yes.

41392. What are the public positions you have filled?—I am an Assistant Secretary of the Bihar Provincial Moslem League, Vice-President of the Anjuman Islamia of Bankipore and Secretary to the Patna Bar Association.

41393. You sympathise with the demand for a simultaneous examination?—Yes.

41394. And you would like to see such a system introduced, but in order to safeguard the interests of Muhammadans you would reserve a percentage of the vacancies each year to be filled by nomination from amongst the candidates who appear at the examination?—My own opinion was that there ought to be pure competitive simultaneous examination, but when I consulted the Muhammadans of Bihar some of them apprehended a danger that for some time to come they might not be able to compete at the examination, and therefore in order to safeguard the interests of Muhammadans I have suggested that there ought to be a combined nomination and simultaneous examination.

41395. Therefore in expressing this view you are expressing the view of the Muhammadans in this District?—Not in general. The majority of Muhammadans, especially the young educated Muhammadans, are in favour of simultaneous examinations, but there are some Muhammadans who do not want simultaneous examinations without their interests being safeguarded. I invited the opinion of the District Moslem Leagues, and fortunately I got the written opinion from the Muzaffarpur District Moslem League, and I have brought that with me and can place it before the Commission. The scheme suggests a separate examination in India for Indians. They say that the introduction of a system of simultaneous competitive examination in India and England would give an undue advantage to particular classes of Indians and would work serious injustice to some important communities.

41396. Perhaps you will put that document in? Can you tell us shortly the view they have?—They want a system of combined nomination and examination to be confined to the Natives of India. When this was received by me, after I had submitted my replies, I sent a letter giving my own views on the matter, and I received a reply from the President of the District Moslem League of Muzaffarpur that he agreed with my views.

41397. This is a third view now?—This was the first view that I received from Muzaffarpur.

41398. First of all we had your view as given in the printed answers, then we had the view of the Moslem League, which is a separate examination, and now you have a third view to put forward?—This is the view of the District Moslem League of Muzaffarpur. I am the Secretary of the Bihar Provincial Moslem League and I called a meeting here on the 7th February. Unfortu-

nately there was a very thin gathering, and the majority of the members who were present were in favour of simultaneous examination. On the second occasion, when I wanted to put this matter before the general meeting of the League, on account of some countermanding postcards issued by some there was no gathering at all, and therefore I could not obtain the general opinion of the members of the League. I have given my opinion and the opinions of the Muhammadans whom I consulted individually from time to time.

41399. That is represented in your answers here?—Yes.

41400. The document you have handed in gives the view of the Moslem League?—The Moslem League of Muzaffarpur only. That opinion was also qualified subsequently.

41401. It has undergone another change since?—Yes.

41402. Therefore there are three definite views in front of us, if we discuss them?—Yes.

41403. Could you give me shortly what is the modified view in that statement? I quite understand your view in your printed answers, and I understand that the view on the paper you put in is really a proposal for a separate examination in India?—Yes.

41404. Since that has been written the writers have modified their view?—Yes.

41405. Now could you give us what that modified view is?—They sent me a letter saying there should be combined simultaneous examination and nomination, i. e., exactly the same view I have put forward in my replies. I communicated my own views and they accepted them. But I received a letter from the President only.

41406. Therefore for practical purposes we can deal with this view in your written answers as representing yourself and the Moslem League of Muzaffarpur?—Yes.

41407. Your proposal is a simultaneous open examination, combined with nomination for certain Muhammadans?—I have not said for Muhammadans only. The nomination will be made from different communities which might be considered by Government to be important communities.

41408. How would you put that into practical operation with simultaneous examinations?—Supposing there are 100 candidates appearing for the simultaneous examination held in India and England, and the Government requires only 25 persons, a certain percentage should be fixed for recruitment by nomination and a large percentage for that by competitive examination. The percentage which is to be filled up by nomination is to be taken from those persons who appeared at the competitive examination, but could not secure the highest mark in order of merit, and then the nomination will be made from amongst those who have obtained the highest marks, and they should belong to the community which has not been represented by the competition test.

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41409. So that if the gentlemen who represent these communities come out low in the list of the competitive examination, in order that they may be represented in the Service they would be put over the heads of successful candidates who have passed the examination?—They would not be put over their heads. Those who are successful in the competition would be taken in, and then from those persons who have next secured the highest marks nomination will be made.

41410. There are only a limited number of vacancies each year?—Yes.

41411. Supposing that there are twenty vacancies and the twenty successful candidates do not represent these outside communities, you want say five of the outside communities and you go down the list of those who have been successful below the twenty and you put five into the twenty vacancies to the exclusion of five successful candidates?—I do not quite follow you.

41412. I am afraid I cannot make it clearer, but I will try and put it in a different way. Assuming that all the successful candidates in the examination are outside your communities, which is quite a conceivable result, if you are going to nominate gentlemen of other communities who were unsuccessful in the examination you would have to exclude certain of those who had been successful?—That might be the result.

41413. Do you think that would be satisfactory?—No; it will not be very satisfactory.

41414. Would it not be more satisfactory, if you want those communities represented, to have something in the nature of an examination in India for them?—That would lower the status of the Service.

41415. It is because on second thoughts the Moslem League think it will lower the status that they have modified their scheme?—I cannot tell you that.

41416. But apart from whether it may lower the status or not, you would admit, would you not, that those candidates who had been successful in the examination and yet were excluded by the operation of your scheme would be suffering what might be regarded as a very just grievance?—Those candidates who secure a certain percentage of marks will be admitted into the Service and will have no grievance.

41417. Do not you think that those who have gone through the strenuous effort to prepare themselves for a very severe examination, and had come out successful in the list of candidates, would feel they were labouring under an injustice if they were excluded?—Yes, but at the same time I think they will be satisfied to see that other communities who ought to be in the Service are employed.

41418. You think that would be sufficient compensation?—It may not be sufficient compensation.

41419. You would have to find some rather self-sacrificing candidates to take that point of view, would you not?—That might be so.

41420. In answer to question (10) you say you will retain the listed post system for the Provincial Civil Service. At what age would you suggest that officers should be promoted from that Service to listed posts?—I cannot give any exact age, but they ought to be in the listed posts for a sufficient number of years.

41421. Do you think that officers attain the position of listed posts at present rather late in life?—Yes.

41422. You would like to see them attain it earlier?—Yes.

41423. Would you make them full members of the Indian Civil Service or keep them apart as at present?—They agree to be treated like members of the Indian Civil Service, but they may be styled Provincial Civil Servants. In the matter of pay my idea is that they should be treated equally, and in other respects too they ought to be treated equally.

41424. So that for all practical purposes they are members of the Indian Civil Service?—Yes.

41425. From the point of view of inferior status, you do not see any objection to recruitment by these means, although you do to recruitment by means of a separate examination. Where do you mark the difference?—After serving for a long time they will be raised to this post if they can satisfactorily show any merit, but in a separate examination people might consider that the status of the Service has been lowered.

41426. You are not satisfied with the present legal attainments of the Indian Civil Service officers in the Judicial branch?—I am not.

41427. You would remedy this either by recruitment from the Bar or by making Indian Civil Service officers choose their line directly their period of probation is over?—Yes.

41428. Do not you think that a certain number of years in the Executive line is a useful training for an officer who subsequently enters the Judicial branch?—I do not think so.

41429. You would like to see the selection made directly after probation?—Yes.

41430. Then after training in the Subordinate branches of the Judicial Service they would work their way up?—Yes.

41431. In your answer to question (51) you suggest a scheme for recruitment to the Executive Branch of the Provincial Civil Service, but you do not seem in that scheme to take any account of promotions from the Subordinate Service?—I have not put it in, but my idea is that there ought to be appointments by promotion as well. I do not want to exclude the appointments by promotion.

41432. Do you agree with those witnesses who have come before us and suggested that the Sub-Deputy Collector should be incorporated definitely into the Provincial Service, or would you leave him as he is at present and promote him up?—My idea is that the two Services should be amalgamated.

41433. In your answer to question (56) you imply that officers of the Provincial Service are

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overworked and underpaid. Could you tell us a little more about that?—As I am a practising Vakil here and have had some experience, I find that cases are decided after a long time, some cases taking nearly two years. The Munsifs and the Sub-Judges are overworked.

41434. You think there is undue delay in the cases?—Yes.

41435. Do you think there is room for more staff?—Yes, more Munsifs and more Subordinate Judges.

41436. Would you agree with some of the proposals that have been put forward by witnesses for improved salary for the Provincial Service?—I do not know what the proposals are.

41437. Generally speaking, do you think there is room for improvement?—Yes.

41438. In your answer to question (36) you say that those who did possess some knowledge of the vernaculars of India have lost it through keeping aloof from the Indians. Do you think there is a falling off on the part of European officers in the knowledge of the language?—Yes.

41439. Do you mean by "aloof" that the work of the department has become more onerous and therefore has necessitated the officer keeping more in his office?—That is not my meaning.—They do not mix freely with the Indians.

41440. On the Executive side do not Collectors, in carrying out their ordinary work, find themselves obliged to mix pretty intimately and freely with the people of their district?—That has become a formal thing. People have to pay their respects to the District Officers, and that is enough.

41441. Have you had much experience of going round with officers and seeing how they carried out their work?—No, I have not had much experience of that.

41442. So that what you say is only from hearsay?—Yes.

41443. With regard to recruitment for the Provincial Civil Service, you say that the age should be raised from 25 to 27. Why do you suggest that?—Because under the University regulations no student can appear at the Matriculation examination until he has completed his sixteenth year, and then he has to pass the B. A. examination, which will bring him up to 21 or 22 years. After that he has to make application and wait for some time. Therefore my idea is that the age should be raised from 25 to 27.

41444. Do you see any real practical advantage in postponing for another two years?—Yes.

41445. What is he going to do between the ages of 21 and 27?—That will give more facility to the applicants and help a man to get the appointment, because unless he passes all the examinations he is not able to get the post at an early age.

41446. What other examinations are you thinking of after 20?—The B.A., B.L., and the M.A. The Government generally want M.A.'s and therefore he has to appear for the M.A. examination.

41447. At what age would that be?—It may be twenty-five years.

41448. Then why do you postpone it so late as 27?—It is quite possible that he may not appear at some examinations on account of illness and so forth.

41449. You want to give him a broad margin?—Yes.

41450. (Sir Murray Hammick.) I understand that you want to see some candidates appointed by nomination out here?—In the Indian Civil Service you mean?—Yes.

41451. And some appointed by simultaneous examination?—Yes.

41452. And you want an increase in the number of listed posts?—Yes.

41453. You want to have the whole of the Judicial officers appointed from the Bar?—Yes. With regard to the last I have made an alternative proposal.

41454. But supposing your scheme is carried out, how many appointments will remain for Europeans in the Executive Service?—It will be very difficult to tell you that.

41455. There will be very few. All the Judicial appointments have gone?—The Judicial appointments will not be gone, as I do not mean to say that no Judicial appointments should be given to Europeans.

41456. Not to the Civil Service?—No.

41457. You are going to increase the listed posts, which takes away a good deal more from the Indian Civil Service?—Yes, that will depend on the wish of the Government; I have simply suggested a certain percentage to be fixed.

41458. But you would like to see it?—No doubt by my scheme there would be a practical decrease in the number of Europeans.

41459. It will be a very large decrease, will it not?—I do not think so.

41460. You have not been to England, I suppose?—No.

41461. Do you think there will be the same competition for the Indian Civil Service as there is now when you have taken away from it all these appointments?—I do not take away all the appointments.

41462. But you take a great many?—I say there ought to be a competitive examination which may be thrown open to the Europeans as well as to the Indians. It is quite possible there might be more Indians and I do not see why Indians should not have these higher posts if you can get efficient Indians.

41463. You also recommend that in the curriculum for the examination at home, which I suppose will be changed at the time you introduce the simultaneous examination, Greek, Latin, French, and German should be excluded?—I am not very keen about that.

41464. Why do you allow Italian to remain in?—Because it is considered that French, Greek, and Latin are easy languages, and the Europeans have the advantage with them, and get a good number of marks by those subjects.

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41465. You would like to see Greek, Latin, French and German cut out, but you do not mind Italian staying in?—That is so.

41466. You want Italian to remain because it is a little more difficult?—That is the view.

41467. That will leave the examination confined to English, Italian, Mathematics, Natural Science and Philosophy. Is that the scheme of examination you propose in England?—Yes, I have made an alternative suggestion that Greek, Latin and French may be allowed to remain, but that the marks for Arabic and Sanskrit should be raised to the same standard.

41468. You would like to see everybody in the Provincial Civil Service getting a pension after twenty years' service?—Yes.

41469. Do not you think that would increase the charges of the Provincial Civil Service very much?—No doubt, but I think that is the best source of income to Government.

41470. Do not you think that a man with twenty years' service is very often well able to do another ten years' service?—Yes; sometimes he is, but most of the Judicial officers have to retire before they complete twenty-five years.

41471. Why?—Because they have reached the age of fifty-five. They get their appointment confirmed at the age of 31 or 32 and consequently after twenty-three years' service they have to retire.

41472. But you want them to retire after twenty years' service?—I say that they need not retire, but they should be entitled to get the full pension after working for twenty years, so that the major portion of these officers will be able to enjoy their full pension.

41473. You would like to see officers forced to join the Family Pension Fund?—Yes.

41474. You think that is very necessary?—That is one of the proposals I have made. I find that some of the Judicial officers are in favour of the scheme and they think that this will be like a Provident Fund for them.

41475. But you think they ought to be compelled to join; you would not give them any option?—If an option is given it will not be so good.

41476. Why do you make it compulsory?—It is quite possible that there might be people who do not look to the future, but if the Government provide a scheme they will have to set apart a portion of their money, and thereby will be able to provide for their children hereafter and the Government will be doing an immenso good to the children.

41477. (Mr. Fisher.) Why do you say that the pay for officers of the Provincial Civil Service should be fixed differently in different Provinces?—I do not know whether the mode of living and the market price of all produce in every Province is the same.

41478. In other words you think that the pay of the Provincial Civil Service should be adjusted to the cost of living in every part of the country?—Yes, in different Provinces.

41479. Does not the cost of living vary from one place to another in the same Province?—I cannot say that.

41480. Do not you think there is some advantage in having uniform rates of pay all through for the same kind of work?—There may be some advantage, and justice demands that there ought to be a uniform pay, but if there are circumstances that justify the curtailment of the pay the Government might curtail it.

41481. You say that you wish to see the three years' term of practice at the Bar before a Pleader, Barrister, or Advocate can become a Munsif, reduced to one year. What is your reason for that proposal?—Three years is too long for the probationary period, and after three years the man does not get his permanent appointment. He has to work in different places from time to time, and it takes another three years before he gets his confirmation. Therefore if after one year's practice he gets into the Service, when he has had two or three years officiating appointments he might be confirmed.

41482. From the point of view of efficiency of justice, is there not something to be said for the system which requires that an intending Munsif should have seen some practice at the Bar for a period of three years?—So far as the Pleaders are concerned they have to pass the B.L. examination, which is very stiff, and I do not think that they will be in any way inefficient if, after one year's practice, they are taken into the Service. The regular training of the Munsif begins when he gets his first appointment as a Munsif. He has already studied Law sufficiently, and when he commences his work as a Munsif he will get regular training.

41483. You do not attach much importance to the practical work at the Bar?—I do not attach much importance to that.

41484. (Mr. Madge.) With regard to your answer to question (4), some witnesses of authority think that it is a real advantage to have a common examination for the British Empire. There are two things to be considered here. The first is that this examination, being good in itself, may not bring out Colonials here, but only Englishmen, and that you do not object to?—No.

41485. You object to it only in the event of its bringing out Colonials?—Personally I do not object to that, but that is the general feeling which I have embodied in my reply. I have no personal objection.

41486. So far as this objection rests on pure race prejudice everybody will agree with you, but you may be aware that in the Colonies thoughtful people do not object to those who have the same standard of life and the same standard of education. What they object to is that the country should be overrun with people with less sanitary habits and with different standards of living which might change the whole character of the Colony and prevent its being a British Colony. If there is an advantage in having a general examination would you sacrifice that

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advantage to a mere sentiment of this kind?—No.

41487. (*Mr. Abdur Rahim.*) You want an examination on the result of which you would select a certain number according to the marks and would treat the others as having passed a qualifying test. For instance, if twenty-five men had to be selected you would take the first twenty in the order of marks and you would treat the others as having passed a qualifying examination, leaving it to the selecting authority at their discretion to select five others?—Yes.

41488. Perhaps you are aware that in Bengal there was a rule to that effect for the Provincial Civil Service. An examination used to be held and certain appointments allotted according to the number of marks, and selection was made from the remainder for a certain proportion of posts. There is an analogy also in the way candidates are grouped. In the Calcutta University examination the first class is arranged in the order of merit, but the other classes are in a Passed List as it is called?—Yes.

41489. With regard to your suggestion for the abolition of three years' practice at the Bar for Munsifs, I suppose you will agree with me as a practitioner that merely passing an examination does not go very far in helping a man to get practice?—No.

41490. You want experience of practical work?—My assertion is that there would be training in practical work when he is appointed as a Munsif. He will get temporary appointments and thereby be trained.

41491. But will not that be at the cost of litigants?—It may be. A man requires experience in actual practice, but not at the cost of the litigants.

41492. Do you think there will be much difference between one year's practice and three years' practice?—If a man has sufficient knowledge of Law, after one year's practice I think he will be able to do efficient work as a Munsif.

41493. But surely a man who has had three years' practice in attending Courts and who has worked for seniors and taken reports of cases, and has kept up his study of Law, is in a better position so far as experience of Law is concerned than a man who has only had one year's training?—So far as practical knowledge of these things is concerned he will be in a better position no doubt. But the difficulty is that he has to pass the B.L. examination, and he has to wait for three years more before he can get his first appointment.

41494. Your real objection is to the way in which these officiating appointments are made, that they are made for very short terms and the man is thrown on his own resources in between and has lost his clients and his practice?—Yes.

41495. That is the real grievance you want removed?—Yes. It generally takes three or four years before he gets his permanent appointment. If he obtains his first appointment and it continues I should retain the three years' practice.

41496. (*Mr. Maude.*) At the end of your answer to question (4) you say that in no other respects does the combination of the competitive examination seem disadvantageous. You mean by that a combination of the Home and Colonial Civil Service Examination?—Yes.

41497. Is it not a fact that no Indians practically desire to go into the Home Civil Service; they would not take it if it were offered to them?—I am not aware of that.

41498. Are you aware of any who have taken it?—No.

41499. Assuming that they do not desire to go into it, does not the fact of combining the Home Service examination and the Indian Civil Service examination act prejudicially against the chance of the Indian who goes in for the examination? The number of Indian candidates is fixed and they desire only to enter the Indian Civil Service, but owing to the combination instead of having against them, say, one hundred English candidates they may have two or three hundred. Does not that decrease their chance of passing the examination?—It may decrease the chances of the Indians.

41500. You think that the separation of the examinations would go to some extent towards increasing the chances of the Indians in the Indian Civil Service examination?—Yes.

41501. (*Mr. Datta.*) With regard to your answer to question (62), you know that members of the Provincial Civil Service, Judicial branch; do not get privilege leave on full pay?—They do not.

41502. And the members of the Education Service and the High Court officers do not get privilege leave on full pay because they get long leave?—Yes.

41503. Educational officers get leave for 72 days and High Court officers 72 days, while Judicial officers only get long leave for 33 days?—That is so.

41504. Is that the reason why you urge that the Judicial officers ought to get privilege leave on full pay?—Yes.

41505. Do you know as a fact that the Judicial officers are not confirmed before 31 or 32?—Yes.

41506. So that even if they do not take any sort of leave they do not complete their 25 years' service for pension when they attain the age of 55?—That is so.

41507. That is a reason why you urge that twenty years or some smaller period should count for full pension in their case?—Yes, 20 or 22.

41508. (*Mr. Hussain.*) In reply to question (56) you propose the same scale of pay for the members of the Judicial Executive Provincial Service, namely, Rs. 300 rising to Rs. 1,200. That involves the assumption on your part that the arduous and exacting nature of the duties of the officers of the Executive Provincial Service justifies the equality you have proposed?—Certainly.

41509. I think it also justifies the assumption that the inequality of pay in the grading of the

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[concluded.]

two Services has been very unfair for the Executive Service?—Certainly.

41510. Will you accept as fair and equitable any arrangement now proposed to relieve the block in the promotion in the Provincial Executive Service, that they should be simply graded up to the present limit of the Judicial Service and not higher?—No.

41511. You say in answer to question (47) that the listed posts ought to be treated equally in the matter of pay?—Yes.

41512. This Commission has been started because there seems to be some demand on the part of educated men for a share in the administration on the same terms as their European fellow-workers. Do you think that this scale of pay you propose will to some extent prevent

that clamour and satisfy educated opinion that they are sharing in the administration of the country on equal terms with their European fellow-workers?—If there be difference of pay they would not be satisfied, and besides it would not give the same status. When a man is promoted to the higher listed posts the mode of living and other expenses increase, and therefore it is desirable they should be placed on the same footing in the matter of pay.

41513. And then it will satisfy educated public opinion?—Yes.

(The witness withdrew.)

(Adjourned till to-morrow at 10-30 A.M.)

Friday, 28th March 1913.

## FORTY-FIRST DAY.

### PRESENT:

THE RIGHT HON. THE LORD ISLINGTON, K.C.M.G., D.S.O. (*Chairman.*)

SIR MURRAY HAMMICK, K.C.S.I., C.I.E.

SIR THEODORE MORISON, K.C.I.E.

MAHADEV BHASKAR CHAUBAL, Esq., C.S.I.

ABDUR RAHIM, Esq.

WALTER CULLEY MADGE, Esq., C.I.E.

HERBERT ALBERT LAURENS FISHER, Esq.

And the following Assistant Commissioners:—

WALTER MAUDE, Esq., I.C.S., Member of the Board of Revenue.

KHAN BAHADUR ASHTAQ HUSSAIN, Deputy Magistrate and Deputy Collector.

NARENDRA KRISHNA DATTA, Esq., B.L., Officiating Additional District and Session Judge, Shahabad.

M. S. D. BUTLER, Esq., C.V.O., C.I.E. (*Joint Secretary.*)

SYED HASAN IMAM, Esq., Judge, High Court of Judicature, Calcutta.

### Written answers relating to the Indian Civil Service.

41514 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—Yes, subject to what I say hereinafter.

41515 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—As a system of selection it is equally suitable, but "Natives of India" are under a considerable disadvantage as the examination is held in England.

41516 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that

for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—I do. It brings in a larger number of competitors at the examination and thereby enlarges the field of selection.

41517 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—I favour a system of simultaneous examination in England and India. I would restrict the examination to only such natural-born subjects of His Majesty as belong to countries whence Indians are not excluded.

41518 (8). Are you in favour of holding this examination simultaneously at any other centre or centres within His Majesty's Dominions?—I am in favour of holding the examination simultaneously in England and India only.

41519 (9). What would be your opinion with regard to filling a fixed proportion of the



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vacancies in the Indian Civil Service cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?—My opinion is against it.

41520 (13). Do you recommend any separate method of recruitment for the judicial branch of the Indian Civil Service? If so, please describe the system that you would propose?—I do. Recruitment to District and Sessions Judgeships, ordinarily, should be from Barristers in England and India and Vakils of High Courts, both Barristers and Vakils to be of not less than five years' standing. In making the selection care should be taken that men who have acquired some distinction in the profession are alone selected. Some recruitments should also be made from the judicial branch of the Provincial Civil Service.

41521 (14). Are you satisfied with the present definition of the term "Natives of India" in section 6 of the Government of India Act, 1870 (33 Viet., c. 3), as including "any persons born and domiciled within the Dominion of His Majesty in India of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully any proposals that you wish to make in regard to this matter?—The definition of the term "Natives of India" should be so framed as to include subjects of the Native States.

41522 (15). If the system of recruitment by open competitive examination in England is retained, please state the age limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—I recommend the retention of the present age limits. Such as have completed a University course are, to my mind, more desirable.

41523. (18). What is the most suitable age at which junior civilians should arrive in India?—24 or 25 years.

41524 (19). What age limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age limits for "Natives of India" and for other natural-born subjects of His Majesty?—The age limits as now are equally suited to "Natives of India." I do not recommend any differentiation.

41525 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not specialists in any particular subject

that may be useful in a subsequent Indian career, but the ordinary well educated young man of the period?—I do accept the principle laid down by Lord Macaulay's Committee in 1854.

41526 (22). Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates? If so, please state them and give reasons.—In my opinion any such differentiation is entirely undesirable.

41527 (21). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service Cadre do you consider that "Natives of India" might, under present conditions, properly be admitted?—No minimum should be fixed for His Majesty's European subjects nor a maximum for His Majesty's Indian subjects.

41528 (28). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived, and, if so, what method of recruitment would you recommend?—No.

41529. (31). If the system of recruiting military officers in India has been stopped, or has never existed in your province, would you advise its reintroduction or introduction, as the case may be, and if the system should be introduced or reintroduced, to what extent should it be adopted?—I do not advise its reintroduction or introduction.

41530 (38). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—Yes.

41531. (42). Please add such remarks as you may desire to offer on any points relating to the system of recruitment for Indian Civil Service posts which are not covered by your answers to the foregoing questions?—If the system of simultaneous examination that I have recommended in answer to question (7) is not acceptable, I would strongly urge that facilities, by way of scholarships, should be liberally afforded to Indians to proceed to England with a view to their competing for the examination there. If the system of recruitment for the judicial branch of the Indian Civil Service that I have recommended in answer to question (13) is not acceptable, I would strongly urge a complete separation of the judicial from the executive in the Indian Civil Service, in the event of the present system of recruitment being adhered to.

41532 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?—Yes, if a probationer has not already completed a University course.

41533 (47). Do you consider that probationers should receive allowances during their period of probation? If so, please give the scale and conditions that you recommend?—Yes. The scale should be as now.

41534 (50). If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in 1854, that successful candidates in the open competition should be considered as having finished their

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general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University course?—Yes.

41535 (52). In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at Law Courts in England and reporting of cases; (ii) the teaching of Indian Law in addition to the general principles of jurisprudence; (iii) the teaching of the Grammar and text books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of (a) Indian Geography, (b) Political Economy, (c) Accounts?—If the method of recruitment to the Judicial Branch of the Indian Civil Service I have recommended in answer to question (13) is accepted, I would not insist on compulsory attendance of probationers at Law Courts in England, but I would urge (ii), (iii) and (iv).

41536 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—In England.

41537 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?—I do not see any serious objection to the proposal, but I do not see the necessity for it.

41538 (55). What is your opinion of a proposal that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—If by "probationers" are meant those who are already admitted into the Indian Civil Service after completing their probationary period in England, my opinion is that at the initial stage of their service they should be attached to selected District Officers for instruction and training.

41539 (56). Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No.

41540 (60). Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—I am not dissatisfied with the present arrangements for the training of junior members of the Indian Civil Service, but I would point out the need for greater courtesy and consideration than hitherto in their treatment of Indians.

41541 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages,

and, if not, how could this best be remedied?—I believe there has been. The causes to my mind are (i) the necessity to speak in the vernaculars of the country is not so great as formerly; (ii) the facilities whereby they can spend their leave out of India; (iii) frequent transfers; (iv) social aloofness from Indians.

41542 (63). Do you recommend any changes in the rules for the encouragement of the study of Oriental languages, and, if so, what changes?—I would suggest more scholarships.

41543 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of Law of members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the judicial branch. In particular, do you favour a system of granting study leave to Europe, and, if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?—I would recommend raising the standard of departmental examinations in Law in respect of all members of the Indian Civil Service. In respect of officers selected for the judicial branch, if my suggestion of separate recruitment is not acceptable, my opinion is that for a time they should be attached to the High Courts to learn the actual work in Courts.

41544 (65). Do you recommend any special course of study in Law in India for officers selected for the judicial branch?—No.

41545 (70). Is any differentiation necessary in regard to the probation and training of members of the Indian Civil Service who are "Natives of India" as between persons of unmixed Indian descent, of mixed European and Indian descent, and of unmixed European descent? If so, please state your proposals?—Not to my mind.

41546 (95). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—I favour its abolition, restricting such abolition to future entrants, but increasing their salaries to a reasonable extent. Such as are at present not eligible for the exchange compensation allowance on the ground of nationality or domicile should have the exchange compensation allowed to them.

41547 (96). If abolition is recommended with compensation in the form of increased salaries, what is your opinion regarding the grant of a similar increase of salary to those members of the service who now draw no exchange compensation allowance?—Similar increase of salary should be given to all members irrespective of nationality or domicile.

41548 (104). Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rate do you suggest for the various grades of the Service?—Yes.

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*Written answers relating to the Provincial Civil Service.*

41549. (1). Please refer to Government of India Resolution No. 1046-1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A. Are these conditions suitable, or have you any recommendations to make for their alteration?—I think they are.

41550. (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—After reserving a certain number of appointments for nomination the rest should be thrown open to competition.

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41554. (Chairman.) You are a Judge of the High Court of Calcutta?—I am.

41555. And you are a considerable landowner in this Province?—I belong to a family of landowners and have been connected with land, for I do not know how many generations, but I cannot say I am a considerable landowner. I am one of the respectable Zamindars, or my family is, because I own nothing in my own name. My wife and my mother are landowners.

41556. How many years have you occupied the position of Judge of the High Court?—A year and a little over a month.

41557. You were, I believe, a Barrister before you joined the Bench?—I was in practice in the mufassal, except for two months' practice in the High Court, just before I was raised to the Bench.

41558. Do you consider that the views you put forward, in the answers to the questions you have put in, represent the views of the Muhammadan community generally, or do you record them more as your own views?—I am not willing to take such a serious responsibility as to say, I represent the views of the Muhammadans, but I believe I shall be giving expression to the views of educated Muhammadans generally. That is only my belief.

41559. You feel the disadvantages under which Indians labour in having to go to England and to remedy that you favour a system of simultaneous examination in India and in England?—That is the view I entertain.

41560. You are not in favour of District and Sessions Judgeships being recruited from the Indian Civil Service?—No.

41561. You would recruit the Judiciary ordinarily from Barristers in England and India, and from Vakils of the High Court, with a few officers from the Judicial Branch of the Provincial Service?—Quite so.

41551. (7). To what extent are non-residents of the province employed in your Provincial Civil Service? Do you consider that only residents of the province should ordinarily be recruited?—In my view only residents of the province should ordinarily be recruited.

41552. (22). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the officers appointed? If not, what principle do you recommend?—The present scale of salary is inadequate and requires to be revised.

41553. (30). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rates do you suggest for the various appointments?—I do.

41562. I understand that by your scheme you would have no minimum fixed for European subjects nor a minimum for Indian subjects?—No.

41563. In the event of your scheme not being put into operation you would, as an alternative, propose the grant of liberal scholarships to Indians to proceed to England with the view to competing for the open competitive examination?—Just so.

41564. I should like to get from you what you feel to be the weakness of your theoretical scheme which makes you put forward this alternative proposal. I would ask you first of all, are you yourself in favour of retaining a strong European element in the administration?—My answer to that question has to be divided into two parts. I believe that at present and for some time to come the need for the British element in the Services is, and will be, very great. A time may come, and I entertain the hope that it will come one day, when a larger number of Indians will find places in the Services, and not only find places but will be qualified to hold offices in the Services. That day to my mind is somewhat distant. As the circumstances of the country are at present, my idea is that we ought to have a fairly strong British element. I am not in favour of a European element, but a British element in the Service.

41565. Holding those views do you think that a scheme of unrestricted simultaneous examination would guarantee the success of a sufficient number of Indians on the one hand and prevent an undue number getting in on the other?—I think so. I think an unrestricted simultaneous examination is no danger to the Administration at present, nor will it be later, inasmuch as the advancement we have attained to in this country is not such as to hold out any threat to the Administration that the British element would be eliminated and Indians would find places they do

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not deserve. Only qualified Indians will get in, and I do not feel it is right that Indians who are qualified to hold a position of trust should be excluded from what they ought to have. I quite realise that a time may come when you will have a large number of Indians in the Indian Civil Service, and with the increase of the Indian element undoubtedly there will be a decrease of the British element, but I have the impression that the British in the administration of this country, by the methods that have been adopted, have held out the hope to us that if we, under the guidance of the British, qualify ourselves to hold proper places, those places shall be given to us; and I do believe that the day on which Indians are qualified to get many more posts and places of trust in the administration will be a day for offering congratulations to the British. That is a very distant date.

41566. You would admit that by your scheme, however remote in your estimation the admission of a large number of Indians may be, the guarantee against it is absent?—I do not think a guarantee is wanted or needed, because according to the scheme I have in my mind it will only be qualified Indians that will obtain places which they ought to have by right of qualification. When their intellect is sufficiently raised educationally, I believe their character will be formed according to the lines of that education that has been given to them, and if they are qualified educationally for such places they ought to have them. There need be no apprehension as to the efficiency of the Administration if conducted by educated Indians.

41567. You are not afraid that under your system of simultaneous examination the Muhammadan community would suffer?—I am not afraid of that.

41568. You think that the educational standard now reached by Muhammadans will justify their hope of competing successfully along with other communities?—I have heard my Muhammadan countrymen expressing at times a fear that the system of simultaneous examination, if introduced, may possibly lead to a very small number of Muhammadans getting into the Services. That may be so, but only for the present. I have always felt as a Muhammadan that it neither adds to the dignity of the community nor is it in any manner advantageous to Muhammadans generally that they should be entertaining fears in respect of the future which, to my mind, are more or less groundless. It is neither dignified nor advantageous to have the system so limited as to place difficulties in the way of other communities who make up the Indian nation. If they find there are disadvantages, those disadvantages will be got over by the Muhammadans, because they will have every incentive to work for something that they think ought to be attained by them.

41569. Would you be prepared to see Indian officers from one Province serving in any other Province, and would you consider this to be to the advantage to the Administration?—Does

that relate to the Provincial Service or to the Indian Civil Service?

41570. Take first of all the Indian Civil Service?—Personally I would not mind at all and so far as I am able to gauge the feeling of the people generally they would not either. I confess that I have not gauged the feelings of the people since I have been raised to the Bench, because I do not consider it right to speak to anybody on these questions.

41571. Do you say the same with regard to the Provincial Service?—No. As regards the Provincial Service my idea is that each Province, for certain reasons which if I am asked to explain I shall be very happy to explain, must be manned by people residing within the Province, who have made their home there.

41572. Could you tell us briefly why you make a distinction between the officers in the Provincial Civil Service and the officers in the Indian Civil Service?—The posts in the Indian Civil Service carry such heavy responsibilities that, irrespective of anyone belonging to any particular Province, you require men who should be not only efficient in the work they have to do but should also have educational attainments that make them superior men, men who can occupy positions of prominence not only in the administration but also in all social circles, men of great moral and intellectual calibre. Officers in the Provincial Civil Service are to my mind excellent men, from what I have known of them, and I say nothing to their disparagement, but men in the Provincial Civil Service are required to do a lot of administrative work under the guidance of those who hold appointments in the Indian Civil Service, and therefore it is necessary that Indians belonging to particular Provinces should be allotted to those Provinces for the purposes of administration, inasmuch as they contribute what is commonly known here as the ministerial work to the administration of the country. That is my only ground; nothing else. Otherwise I have no objection whatsoever. If that were not there, I should have no objection to having men from Bombay as Deputy Magistrates or Munsifs in Bihar.

41573. Why would you debar members of the Indian Civil Service from the Judicial? We have heard from Civil Judges of the High Court that the Executive work attached to the Indian Civil Service is very valuable afterwards to a Judge?—I may say without any reserve that I consider all members of the Indian Civil Service are exceptionally well educated men, men of great culture, and I believe men of great character. I wish it to be understood that I am not speaking as a Judge, but in my private capacity as a man who has had experience of the Bar only, when I say I believe that a great deal of the Executive leaven that they obtain in the earlier years of their service is carried with them to the Bench when they are Judges in Courts of Justice. By Judges I do not mean the District Judge or Sessions Judge, but I mean any

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capacity in which cases have to be decided judicially.

41574. You think that Executive leave, as you term it, is prejudicial and not of value?—I believe so. I am speaking here on behalf of Hindus and Muhammadans as well, not as a representative, but as an Indian who belongs to India, and speaking as a citizen of India I am able to say that the feeling generally is not favourable to one of the Indian Civil Service being raised to a Judgeship anywhere.

41575. You suggest recruitment from two sources, from Barristers and Vakils on the one hand, and from the Provincial Civil Service on the other?—Yes. I mean Barristers from England and India.

41576. What objection would you have to adding to that source of recruitment a portion, as now, from the Indian Civil Service? Do you not think that recruitment from various sources is a good thing for the Service?—In one of my answers I have suggested that if it could be arranged that, from the moment a member of the Civil Service comes out to the country, he is allotted to judicial work only and is trained for that purpose, he should have nothing whatever to do with Executive work. I believe he is not too young to learn judicial work. I may explain that the reason why I excluded him from the Judicial Branch of the Service and placed the members of the Provincial Civil Service in the Judicial Branch, was that members of the Judicial Branch of the Provincial Service have had at least three years' practice of some sort or other and are then brought up in traditions that are purely judicial, and therefore I think the prospects for them ought to be open. I have not even said members of the Provincial Service generally, but I have said members of the Judicial branch of the Provincial Service. They ought to have prospects and some incentive for their work, and ought to be raised to a proper status.

41577. With regard to recruitment from Barristers and Vakils, are you satisfied that men of good standing would be willing to take up the position of District and Sessions Judgeships?—I am inclined to think so, for this reason. At present the Judgeships are divided into three grades. The lowest grade is Rs. 2,000, the grade above that Rs. 2,500, and the grade above that Rs. 3,000. If a young man who has shown promise of success at the Bar, who has been tried for five, six, seven, or even ten years, is offered a Judgeship of Rs. 2,000 a month, with the prospect of rising to Rs. 2,500 and then to Rs. 3,000, and ultimately to a seat on the Bench of the High Court, to my mind the prospect will be sufficiently fair to induce him to accept these places. I may mention here that I do not wish to say anything at all in respect of the way Judgeships in the High Court should be given, but if I had been asked any question regarding that I could have formulated a scheme which would have been in consonance with the rule which prevails in England in respect of Judgeships. In England you have no system of

officiating Judges. The reason is that there are a number of Judges always available who are brought up to the High Court and sent back again to their work, to anything they might have been occupied in before, and there is a number of men practically in reserve. The practice that now prevails in respect of promotions from the Judicial Service to the High Court is naturally of a limited character, because they are all men of the Indian Civil Service and under the Statute they cannot have more than a certain proportion of the men of the Civil Service in the High Court. But it would be unlimited in respect of the men recruited according to my scheme in the Judicial Service, and I do not see any reason why men who have been District and Sessions Judges and have come to the grade of Rs. 3,000 should not afterwards be raised to the High Court Bench instead of having outsiders.

41578. How many English Barristers do you know who would be fit for such posts in the Province of Bengal, Bihar and Orissa?—That is why I have said Barristers from England. I have observed in the course of the last twenty-one years during which I have been connected with law in this country that the number of English Barristers has been steadily going down, and my apprehension is, and I regret it, that the number will be going down till it reaches a point when it is quite possible one will find no English Barristers or very few of them. I am speaking of Bengal only. Therefore I have suggested that Barristers from England ought to be asked to come out. At present if I were asked to state the number of English Barristers who would be willing to take District and Sessions Judgeships, I am inclined to think that good capable men, men who would be a credit to the Bench, could be had in Bengal to the extent of half-a-dozen or so. But having had that difficulty in my mind I have suggested Barristers from England as well. I am not able to give you the number of Barristers from England who would be willing to come out because I have not ascertained it.

41579. You would keep a certain number of appointments of the Provincial Civil Service to be filled by nomination and would throw the rest open to competition?—Yes.

41580. Would you retain the present system of promotion from the Subordinate Service as well as from Sub-Deputy Collectors?—I have always felt that they have been unjustly treated. To my mind it is an anomaly that a graduate of the Calcutta University is appointed a Sub-Deputy Magistrate on a pay of Rs. 100 a month. He rises to Rs. 200 in the grade of Sub-Deputy Magistrate, and if for some reason or other he has to be shunted, as the expression has been used facetiously, he is thrown into the Rs. 200 grade and never allowed to be a Deputy Magistrate. If he has the good fortune to have merited promotion he becomes Deputy Magistrate, but those instances are so very few, although they may be meritorious officers, that they are hardly ever promoted and brought into the ranks of the Deputy Magistracy; while a man with the same qualification of graduate of the Calcutta

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University is appointed a Deputy Magistrate without any experience whatsoever of Judicial or Executive work, and gets the start over his less fortunate brother who was appointed a Sub-Deputy Magistrate possibly with the promise that he would rise to a Deputy Magistrate.

41581. I take it from your answer that you would like to see the Sub-Deputy class included in the Provincial Civil Service?—Entirely. I consider that the Sub-Deputy Magistrates class is a very hard-worked class and a very good class, and one that does as much work as any class in the Provincial Civil Service.

41582. With regard to the present scale of salaries enjoyed by members of the Provincial Civil Service, you say that it is inadequate and needs to be revised. May I take it that the proposals which have been made to us by previous witnesses on general lines would meet with your approval?—From what I have seen of the proposals made I am not able to say definitely as to what should be the scale of salary, but I know it is not adequate at present. They are a very hard-working class and a very meritorious class, and a class that ought to be encouraged and their labours ought to be rewarded.

41583. You would like to see an improvement in their condition?—I should like to see a considerable scheme of improvement in connection with their prospects.

41584. (*Sir Theodore Morison.*) Supposing your proposals for simultaneous examination were adopted, what course would you recommend for probationers?—I have not understood the word "probationers" as used in the questions. In one place I find the term has been applied to men in the Indian Civil Service who have already been given their appointment and who have come out to this country, and in another place I find the term applied to young men who have passed their competitive examination but have not been admitted into the Indian Civil Service.

41585. I mean in the last sense, persons who have passed the competitive examination and have not yet entered on their duties in India. Do you propose to give any period of probation to the Indians who have passed a simultaneous examination?—I have not put that in any answer, but my idea is that instead of the two years under the present system they ought to have fully four years.

41586. Those who pass the examination out here?—Yes.

41587. Where would you have that four years passed?—In England.

41588. Then they would be twenty-eight before they came out?—They would start later.

41589. What would be your period for the English Civil Servant?—Two years. Those who have passed the competitive examination in England should have two years; I do not suppose anything more than that is needed.

41590. It is one year at the present moment.—I know, but I am talking of the utmost. I do not know whether the Commission holds the view that it should be a year or two years or four years,

but it should not be less than a year as now. In former days, when the age limit was 17 to 19, it used to be two years, and I say that it might be two years at the outside now.

41591. One year or two years for the Englishman who has been through Oxford or Cambridge?—No, for all persons who have passed the Civil Service Examination in England.

41592. And four years for the Indian?—Yes, such as pass their examination here.

41593. How would you arrange them in the Service?—The Indian who passes into the Service in India by means of a simultaneous examination, and who has to undergo a period of four years' probation in England, will have to start from the time of his admission into the Indian Civil Service on the day from which he is entitled to have his promotion and grading.

41594. But he may be hooted out if he does not give satisfaction?—If he is hooted out he does not take any place.

41595. You would count his seniority?—After he has passed his final examination at the end of his probation he would be admitted into the Indian Civil Service, his services to count from that time.

41596. After the final examination?—Yes, he has to undergo a final examination at the end of his probation.

41597. Then he will be two years junior? He certainly would, but we have to suffer something for the sake of what I think is required, that is to say having a breadth of view by coming in contact with people in England.

41598. You are prepared for that?—Yes.

41599. He will be twenty-eight years when he comes out according to your proposal?—Yes, and he will be below the men who passed the competitive examination with him, and even below those who passed the competitive examination a year or two later in England.

41600. It has been suggested to us by a great many members of the Civil Service that the Englishmen come out too late at present, and that it would be better that they should pass the competitive examination between the years of 18 and 20. Supposing that were adopted for the English members of the Service, what would you recommend for Indians? The conditions may not be the same for both sections of the Service?—I think in answer to one of the questions I have said that I am opposed to any distinction being made up to the passing of the examination, or in fact at any time, and therefore the Indian must take his lot, whatever it may be, along with the Englishman when he is a candidate.

41601. Surely you would recognise that it would reduce the chances of the Indian very greatly to alter the age from 22-24 to 18-20?—Speaking as an Indian I would much rather suffer a disadvantage and have my place in the competition and maintain my dignity than have a position given to me or a concession made to me. It is hurtful to my self-respect and to the dignity of the nation.

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41602. That seems to me to be putting the point of honour rather high?—It may be, but there it is.

41603. I should say there was a difference in the educational system of the two countries and we have to recognise that. You say if it is necessary to lower the age of the English candidates to 18-20, you would impose the same conditions on Indians. You do recognise that there is a considerable difference in the educational progress of the different provinces, not communities, of India?—I do.

41604. Which would you say was educationally the most advanced Province?—I would place Bengal first, Madras after Bengal, and then Bombay.

41605. Those are educationally the most advanced Provinces of India?—Yes.

41606. What would be the educationally backward Provinces?—I have not studied the statistics and I am not able to pronounce a general opinion, but I am inclined to think that Bihar, the United Provinces, and the Punjab are all one on the heel of another if they are not all to be bracketed together.

41607. Do you think that any system of competition between those two groups will ever give Bihar, the United Provinces, and the Punjab any representatives? I am not putting it on the question of Hindu or Muhammadan, but geographically?—I have never understood the Indian Civil Service or any Service of that very high order to be an assembly of representatives, and they should never be allowed to degenerate into an assembly of representatives.

41608. Quite so, but I want you to say whether or not you think that the people of Bihar, the United Provinces, and the Punjab are likely for the next two generations to get into the Civil Service?—Probably they will not have as many successes as they would like to have. I do not think there is anything in that. Of course each Province has its own local patriotism.

41609. I am only asking you for the facts. I can form my own conclusions?—I can quite conceive it.

41610. (Mr. Abdur Rahim.) I should like to put a point to you for your consideration with regard to representation. You know that for certain very high places in the Administration there have been considerable arguments in favour of what you call representation?—Yes, but I venture to question the wisdom of the arguments.

41611. The Government has, at any rate, to a certain extent recognised the force of such contentions?—I am not in accord with the Government there.

41612. But it is a fact?—So far as my views are concerned I am not at all in accord with the Government. You will be able to get information from Government officers on that question.

41613. Supposing we tried to look at things from the Government point of view. Do not you think that, under the present circumstances of the country, the Government would be justified, and

indeed be called upon, to pay great attention to contentions of this nature on political grounds?—I think in the interests of the country it would be wrong on the part of the Government to take any such view. Politically of course there may be views entertained by one set of statesmen in the country and views entertained by another set of statesmen in the country, but personally I think, as a humble citizen of the Empire, that it is not right to take a view based on representation which may rouse communal feelings in the country, and I believe communal feelings have been roused by the view taken.

41614. On the other hand, there is another point of view which is constantly urged, that if certain Provinces and important communities are altogether left out of consideration so far as the Public Services are concerned, that will accentuate Provincial and communal feeling?—I have heard that said, but I do not entertain that opinion.

41615. You have also heard it constantly urged that if Provinces and communities are not given a fair chance in the Public Services their progress will be considerably retarded in matters of education and other matters?—I have heard it said, but I do not accept that as correct. At present, an Indian, whether a man from Bihar or a man from Madras, finds hardly a place, if any at all, worth the name by the present system in the Civil Service, and it would do no harm if by having a system of simultaneous examination you introduced a larger number of Bengalis than Biharis, and a larger number of Madrasis than Bengalis, and a larger number of men from Bombay than Madrasis. It would do nothing harmful to the Administration.

41616. My question was not confined to the Civil Service, because I understand that even in the Provincial Service you are a strong advocate of the competitive examination?—I have said it should be competitive examination and there should be nomination, nomination and competitive examination as in the past.

41617. It is with reference to certain general observations you made in answer to the questions of the Chairman that I put this general question?—In answering every question I have had regard to either the Provincial Civil Service or the Indian Civil Service separately. I trust I have not confused anything.

41618. (Chairman.) That is quite clear: I asked you the questions definitely as regards the two services?—That is what I thought, and I should like when a question is put to me to be satisfied whether it is the one or the other.

41619. (Mr. Abdur Rahim.) I will put a general question to you. We have had evidence given before us here that there are certain complaints made with regard to the number of appointments allotted to the different communities within this Province?—That is true.

41620. Do you think that such complaints will be removed if wholesale competition is introduced?—It is in view of such complaints



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that I have suggested there should be a system amalgamating competition and nomination.

41621. Therefore, I take it, you would recognise the necessity of a certain compromise?—Life is made up of compromises. I recognise, as I have already said in answer to the Chairman's question on the subject of the Provincial Service, that these are smaller appointments and local feelings have to be consulted as well as diversities of interests.

41622. Why do you draw a distinction between the methods of selection for the Judicial Branch of the Provincial Service and the Executive Branch? You would retain the present system by which Munsifs are appointed by pure nomination?—That is quite obvious. The Munsifs appointed now are appointed, after they have practised for three years, on a nomination made by the High Court, and the High Court does not take any action until a District Judge certifies to the character and to the efficiency of the man who makes such application. Therefore a man who has had three years' practice is known to the District and Sessions Judge, and we have to trust the District and Sessions Judge, and consider what the qualifications are, and if the qualifications are all right he comes in.

41623. We have had considerable evidence in Bengal as well as here that this three years' practice is really a farce and should be done away with, that one year would be probably quite sufficient if anything is retained; that is to say a candidate for Munsif hardly does any work in the three years, and that that therefore affords no means of testing a man's qualification. Do you agree with that evidence at all?—No.

41624. You think the three years' practice ought to be retained as a condition?—Yes. It may be that the man who has practised for three years has had but very little practice, but if he has had to attend the Bar Library in the mufassal he has at least had the opportunity of seeing cases conducted by lawyers for three years and that ought to be a good basis for his legal education.

41625. Not quite by attending the Bar Library?—He has seen the work done by senior men.

41626. They play a good deal of chess in the Bar Library, do they not?—When I had the honour of being a member of a certain Bar Library I saw chess being played, but I venture to think that Bengal is the only place where chess is played.

41627. In answer to question (13) you say that recruitment to District and Sessions Judgeships ordinarily should be from Barristers in England and India and Vakils of the High Court. Do you include Vakils practising in the District?—No, those who have been enrolled in the High Court.

41628. I believe there are Vakils who are not enrolled and not entitled to practise in the High Court?—They are not Vakils. They are only pleaders. They come within the jurisdiction of the District and Sessions Judge.

41629. I thought perhaps you meant that?—No.

41630. I thought you meant Vakils who are entitled to practise in the High Court though as a matter of fact they may be practising anywhere?—They may be practising anywhere, but they are Vakils of the High Court.

41631. You have not answered the question with regard to the separation of the Judicial and the Executive?—I think I have answered that in reply to question (42).

41632. That question refers to the system of recruitment. Did you mean by that the separation of the two functions?—Yes.

41633. Question (88) is really the first directed to that point, and you have not answered that?—I have answered it under question (42).

41634. In your opinion the two functions ought to be separated?—Entirely.

41635. In your practice at the Bar did you find a necessity for separation?—I formed a very strong opinion on the subject when I was at the Bar, and I have had no reason to alter my views since then.

41636. I suppose you agree with the evidence that has been given that it is the general feeling in the profession as well as in the country?—If it had been a feeling only on the part of the profession I should not have felt justified in urging it, but prior to the time I became a Judge it was the feeling all over, among Zamindars, ryots, and everyone. I was in considerable touch with the ryots and I found that was the feeling.

41637. I suppose that ryots do not quite understand the question of the separation of the functions?—They do when the Judicial Officer is out on tour with his Executive functions, and his Chaprasis levy undue and improper taxes. The ryot when his pocket is touched realises fully the necessity of a separation of the Judicial and the Executive.

41638. (Mr. Madge.) All examinations for the Indian Civil Service are preceded by a declaration of the number of vacancies to be filled?—Yes.

41639. In the case of simultaneous examination, the object being to give certain Indians their share in the administration, would a declaration be made that so many people are wanted in India and so many people wanted in England?—I have never said that the object is to include a number of Indians. The principle on which I am advocating a system of simultaneous examination is that equal facilities and equal opportunities should be given to all His Majesty's subjects, who have the qualifications, excluding such as come from countries where Indians are excluded. Therefore I have not in mind that a certain number of Indians should get in. All I have in mind is that the Indians should have as fair a chance and as many opportunities and facilities as European-born British subjects of His Majesty.

41640. But the point of my question is this. The simultaneous examination being introduced with the object of examining in India people who

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will be taken into the Service whatever the proportion may be between Englishmen and Indians, do you think a declaration would or would not be made that so many candidates are wanted in India?—Do you mean in India or for India?—

41641. In India for India?—You may have people in England or in India for India, but if you say in India I say no such declaration is needed. Supposing in any one year you have 50 vacancies, you would throw open those vacancies to be competed for by people residing in this country and people residing in England, whether it is an Englishman living here or an Indian living here, or an Englishman living in England or an Indian living in England.

41642. Do you think an Englishman who has a chance of being examined at home would come out to India to compete for the Indian Civil Service?—I have personal knowledge of some young Englishmen—I will not say many—who have been brought up in this country because they have not had the means to go to England, and who have had the desire to enter the Indian Civil Service, and I believe if equal opportunity and equal facilities were given to them they could compete and successfully compete. They have not been afforded that opportunity because they had not the means of going to England.

41643. Domiciled Anglo-Indians amongst others?—Quite so.

41644. After the examination will the whole of the results be tabulated in one list and men taken from the top irrespective of whether they are Indians or Englishmen?—Quite irrespective. I would say it should be any one of His Majesty's subjects so long as he belongs to a country from which Indians are not excluded.

41645. There is a difference of about six hours between here and England. Have you considered the possibility of examination papers in this country being cabled over to England before the examination takes place there?—I have not considered it, but I can consider it now, and it seems to me a proposition which is open to many and just criticisms which will do away with the apprehension that is existing in your mind.

41646. As regards recruitment from Barristers for Judgeships, you have told us that you have a considerable experience amongst ryots and others. May not you have unconsciously imported into the qualifications of other Barristers the knowledge of the people of the country you have yourself, which knowledge you have gained from relationships quite distinct from your profession?—During all the years I practised at the Bar I was never conscious of any other character that I possessed than that of a professional man at the Bar, and as a professional man at the Bar I came in contact with Zamindars and ryots intimately, and my ideas were formed on account of the opportunities that were afforded to me, and not on account of any private status I possessed. My knowledge was gained as a member of the Bar who was in requisition by the public.

41647. Do you not possess a considerable knowledge of villagers and others that is not common to Barristers in general, whether those Barristers are Englishmen or Indians?—I cannot claim a monopoly of all knowledge and say that I am the only one that knows all these things and that the other members of the profession do not know them. I believe there are many Indian Barristers as much qualified as I am to speak of those questions, and to speak with as much authority. Of course I quite recognise that Barristers from England will have in the beginning a little difficulty, but I believe with their education and their breadth of view it will be nothing worse than what it is for members of the Indian Civil Service.

41648. You think it desirable to maintain a British tone in the administration, do you not?—You mean a moral tone?

41649. I mean the whole tone including chiefly the moral tone. The British Government is generally believed to differ very much from all that had preceded it. Do you desire to maintain that tone of Government?—I am a great admirer of British institutions, and therefore the British character of the administration should be kept up, but it does not mean that it should be kept up through British agencies, to the exclusion of the Indians. I believe an Indian brought up on proper lines can administer the country with as much efficiency, keeping the British character of the administration in its integrity, as anyone can wish to have it.

41650. Do you think that tone could be maintained even if there was not a single Englishman in the Government?—When that day comes.

41651. Do you think it possible or not?—I am unable at present to realise that such an event ever can happen, but should it ever happen that English people are out of this country and cannot find admission into the Indian Civil Service, that will only be when the Englishman will have degenerated, and when the Englishman has become degenerated he has no business whatsoever to administer any country.

41652. Then you certainly do not hold the opinion I have seen seriously put forward in an Anglo-Bengali Journal that all that is needed in this country is a British Army to maintain the rule and that all Civilian appointments should be thrown open to Indians?—I trust I shall not be charged with opinions of that sort. If we want to have the British Army to guard us we do not deserve to have any place in the administration. When we are strong enough to guard ourselves give us every opportunity then, but not otherwise.

41653. Do you attach any value at all to the experience that an English Civilian gains during the early portion of his career as an Executive officer?—If he did not acquire any useful knowledge during the period of his training he would not be much use when he became a District Officer.

41654. You think it is valuable then, but do you think it is valuable to him on the Bench?—I think he brings a biased mind to the Bench

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which is harmful. I have already said it is a heaven.

41655. A heaven sometimes is advantageous and sometimes disadvantageous?—That is true.

41656. (*Mr. Fisher.*) Can you tell me whether there are any statistics as to the relation between University success in India and success in after life?—I know of personal instances of course, but I do not think I should be entitled to give you them.

41657. We have had some remarkable statistics in England, and I was wondering whether there were any here?—There may be such statistics, but I have no knowledge of them.

41658. Should you say from your own personal experience that the young men who pass the competitive examinations in the Universities here maintain their promise in after-life?—Some do and some do not. They are not worse in that respect than people in other countries.

41659. You think that there is about the same proportion of successes and failures?—Yes, from what I know of people I have come in contact with.

41660. I notice that in default of simultaneous examination you recommend a scheme of scholarships. At what age do you propose the scholarships should be chosen?—That depends entirely on the age limit put on them. I only give roughly, a year one way or the other will not materially alter it. Take the minimum age for appearance at the Civil Service competitive examination as twenty-three—at present I believe it is twenty-two—and give the Indian boy a scholarship for four years.

41661. It has been suggested to us that the scholarships should be given to boys of 13 or 14 so that they might enjoy the benefits of public school education in England before going up for the examination?—If the finances can afford it I would very strongly urge that, but it would be very difficult for any Government to say that any boy of 12 or 13 gave promise of a man fit for the Civil Service. I do not pretend to be able to say that I could find out whether a boy of 12 or 13 promised to be likely to appear for the Service.

41662. But on the whole you would like to see him get a public school education in England if possible?—Yes, if it can be afforded, if it cannot be afforded then not.

41663. How many scholarships do you think would be suitable?—That depends entirely on the amount of money each Provincial Government is prepared to spend or the Imperial Government is prepared to spare for the purpose. I would limit the scholarships to distinguished students of the Universities, not merely on the results of their examination but on the results combined with a certificate of character that would be given by the Principal of the College.

41664. Would you have a certain number of scholarships allotted to each Province?—Not to each Province but to each University. For instance, you might allot to the Province of Bihar six scholarships and not have six good scholars

available in Bihar, and therefore it would follow you would be giving six good scholarships to boys who are practically undeserving. I would give it only to the Universities, on the University results coupled with the certificates of the Heads of the Institutions. I think that ought to be sufficient for the purpose of giving these scholarships. I should like the scholarships to be as numerous as possible, limited only to the most qualified and the best candidates.

41665. Do you think that among the qualifications of the candidate some respect should be had to the family?—I believe that respect to birth has often to be paid, but it would be unjust and not consonant with justice to make these scholarships the preserves of those who are well-born. General respectability may be looked at, but if there is a well-qualified candidate who happens to come of parents who have no distinction he should not be excluded.

41666. It is an element to which you attach some importance but not a decisive importance?—I would not exclude anybody on the ground that he is born of parents that are not known.

41667. (*Mr. Chaulai.*) As between these two schemes of simultaneous examination and scholarships, do you really think that the simultaneous examination ought to be put first in point of importance or that the scheme of scholarships should be put first?—Are you putting the question to me from a practical point of view?

41668. Absolutely from the practical point of view?—In answering this question I have to take into consideration the feeling of Englishmen, and I feel that a Britisher is not inclined for it and probably will not give it. Therefore I urge with extreme urgency the grant of scholarships. Speaking personally I prefer the simultaneous examination, but realising as I do that it may not be conceded, I put all my force on scholarships.

41669. Apart from speaking as a practical politician, even taking the case on its merits, do not you think the scheme of scholarships has more advantages than the scheme of simultaneous examination? You quite admit that Indians who serve in the Indian Civil Service should be by education, culture, and character quite the compeers of their English brothers?—Yes.

41670. I think you also admit that your institutions at present in the country are not quite adapted to impart that high degree of education which is necessary for the Civil Service examination?—Yes.

41671. You also admit that for years to come you would not like to see the number of capable English servants diminished?—If qualified Indians are found I would not object.

41672. Do not you think that the English door is likely to give you more qualified Indians than the system of simultaneous examination here?—If an Indian is not qualified, he will not get in through the simultaneous examination.

41673. Then what do you get by simultaneous examination?—I get a great hope for the country.

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Once you set simultaneous examination going it gives us every incentive to work up our institutions on proper lines, and I do hope that the time will come when a University system of education here will be considerably improved and educational institutions will be run on lines that will form character. I believe the simultaneous examination will be an incentive to having such institutions.

41674. You want the simultaneous examination in order to remove certain disadvantages under which the Indian candidate at present labours?—Yes.

41675. Even at present you cannot say there is not equal opportunity for the Englishman and the Indian to appear at the competitive examination. There is no disability on the Indian; the door is open. It is only on account of the distance between India and England?—That is why I said that I claim for Indians equal opportunities and equal facilities.

41676. Therefore as long as that opportunity is made equal of enabling candidates to appear in England for the open competitive examination your object would be met?—I would have no grievance then.

41677. Have you conceived what the cost of a simultaneous examination will be to India?—I have not calculated it at all, nor am I in a position to do so.

41678. It has been calculated by one witness that the cost would be between £8,000 and £10,000 a year? Do you really think that with the chance of the few men who are likely to get through a simultaneous examination for years to come the revenues of India should be spent on simultaneous examination or on getting scholarships?—I prefer simultaneous examination. If it means £8,000 or £10,000 I would rather have that money spent on establishing a system of simultaneous examination here than on scholarships. My immediate object is certainly not to elbow the Englishman out, far from it. My object is that the moral tone of educational institutions should be raised, and by establishing a system of simultaneous examination you help to raise that moral tone.

41679. I quite see that, but there are different views unfortunately on the point. Some say that the condition of education in India may be prejudicially affected if all educational institutions sought to get only the Indian Civil Service standard?—It is a very controversial matter and a good deal could be said on either side.

41680. (Mr. Maude.) You would not have Pleaders admitted as candidates for District Judges at all as distinct from Vakils?—No.

41681. Is there any difference in their examination?—There is a difference in the examination because the class of Pleaders contain men of two educational standards. First of all you have the man who has passed the B.A. and B.L. examination, and has passed his University examinations, but has not passed the High Court examination that admits him into the ranks of the Vakils.

Then there is another class that has passed no University examination so far as the legal examination is concerned, but who has passed the First Arts Examination of the University, and has been admitted to an examination held by the Local Government under the supervision of the High Court, and they are Pleaders. They are men of a lower standard of education. Both these, the one on account of his not being a Vakil of the High Court and the other on account of not being at any time able to be a Vakil of the High Court, come to be under the District Judge, who has complete control over them in certain respects. In status as well as in educational qualifications both of them are inferior to the Vakil of the High Court.

41682. Is it not your experience that many of them are just as able men and good men as the rank and file of the Vakils or even as the better Vakils?—It has to be said to his credit that I find him to be one of the cleverest of lawyers, although they are very exceptional cases.

41683. You do not think there will be any outcry if Pleaders are disqualified?—I do not think so.

41684. No strong public feeling?—I do not think so.

41685. (Mr. Hussain.) In answering the Chairman you have made observations which are highly complimentary to the Provincial Civil Service. I take it that your estimate of their capacity and work is based upon your personal experience and actual dealings with that class of officer during the time you were at the Bar?—If twenty years' personal knowledge and intimate knowledge of the work of the members of the Provincial Service is sufficient to form any idea, I venture to say I have entertained for them the highest respect. I consider them to be exceedingly good and capable men.

41686. Has your opinion undergone any change since you were elevated to the bench?—I have had no reason for changing my opinion so far, and I trust I shall have no occasion to change it.

41687. Do you think it would be justifiable, or even desirable, that the number of listed posts open to that Service should be materially increased?—I think so.

41688. You have said in answer to question (22) that the pay of the Service should be increased. Considering the nature of the duties and the arduous work they have to perform, and comparing those duties with the duties of the Superintendent of Police, do you not think it is just and fair that they should rise to grades as high as those of the Superintendent of Police, namely Rs. 1,200?—I have never understood why the distinction has been maintained, and I cannot understand it now. Personally speaking, I should like to see the members of the Provincial Civil Service enjoying the same prospects and the same degree of emoluments as members of the Police Service who rise to the grade of Superintendent of Police.

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41689. The present scale of pay for the listed posts is two-thirds of the pay of the posts enjoyed by the members of the Indian Civil Service. Proceeding upon the same analogy, do you think it would be fair and equitable if members of the listed Service claimed two-thirds of the pension now payable to members of the Indian Civil Service?—I have always felt they ought to have two-thirds.

41690. (Mr. Data.) In your practice at the Bar you have had frequent occasion to examine the judgments of the Munsifs, Sub-Judges, and District Judges on facts and Law?—Yes.

41691. Do the judgments of Munsifs and Sub-Judges compare favourably with those of District Judges?—My experience of members of the Provincial Civil Service, the Judicial

branch, enables me to say that in respect of decisions based on Law they are superior, certainly not inferior, to the District Judges. I am talking of the average. On questions of fact they are as good as any Judge possessed of commonsense. Of course amongst Subordinate Judges and Munsifs I have found faulty men, just as I have found faulty men amongst District and Sessions Judges; but as a class I think they are exceptionally good and efficient men. I have to say the same about them as I have to say about the Deputy Magistrates.

41692. Have you had any reason to change that opinion after going to the High Court?—No, I have found none so far.

(The witness withdrew.)

BASANTA KUMAR MULLICK, Esq., I.C.S., Superintendent and Remembrancer of Legal Affairs.

*Written answers relating to the Indian Civil Service.*

41693 (1). What is your experience of the working of the present system of recruitment by open competitive examination for the Indian Civil Service? Do you accept it as generally satisfactory in principle?—I approve of the present system of recruitment and I accept it as generally satisfactory in principle.

41694 (2). In what respects, if any, do you find the present system faulty in detail, and what alterations would you suggest?—I have no alteration to suggest in the system.

41695 (3). Is the system equally suitable for the admission of "Natives of India" and of other natural-born subjects of His Majesty? If not, what alteration do you recommend?—Yes, as a system of selection, but Natives of India are at a serious disadvantage as the examination is held in England.

41696 (4). Further, is any differentiation desirable between other classes of natural-born subjects of His Majesty? If so, what do you propose?—No.

41697 (5). Do you consider that the combination of the open competitive examination for the Home and Colonial Civil Services with that for the Indian Civil Service is or is not to the advantage of Indian interests? Please give your reasons?—I think it is to the advantage of Indian interests. It enables Government to get the best candidates and tends to maintain a standard for comparison and to equalise the standards in England and India.

41698 (6). If you do not consider the present system of recruitment by an open competitive examination to be satisfactory in principle, please state what alternative you would propose. Do you recommend a system based on any of the following principles:—(a) Selection by headmasters of schools approved or otherwise; (b) Selection by authorities in Universities approved or otherwise; (c) Nomination by headmasters or University authorities and selection under the orders of the Secretary of State; (d) Combined nomination and examination; (e) Any other method?—I do not propose any alternative.

41699 (7). What is your opinion regarding a system of simultaneous examination in India and in England, open in both cases to all natural-born subjects of His Majesty?—For the present I am strongly opposed to any system of simultaneous examinations. It is impossible to forecast the effect of the impetus which is being given to education. If schools and colleges of the best English type spring up, it may be possible to reconsider the question of simultaneous examinations, but till that time comes I think the question is beyond the region of practical politics.

41700 (8). Are you in favour of holding this examination simultaneously at any other centre or centres within His Majesty's Dominions?—No.

41701 (9). What would be your opinion with regard to filling a fixed proportion of the vacancies in the Indian Civil Service cadre by "Natives of India" recruited by means of a separate examination in India or by means of separate examinations in each province or group of provinces in India? If so, what proportion do you recommend?—I am opposed to any such examinations.

41702 (10). If you do not approve of simultaneous or separate examinations in India, are you in favour of any system under which "Natives of India" would be selected in India for admission to the Indian Civil Service by means of (a) nomination; (b) combined nomination and examination; or (c) any other method? If so, please describe fully what system you would recommend. In particular, do you consider it desirable that, whatever the system, all classes and communities should be represented? If so, how would you give effect to this principle?—In spite of the defects of competition and the attractions of selection I think the balance of advantage is in favour of the former system. It would be positively injurious to the interests alike of the administration and of Indians to introduce class representation as a basis of selection.

41703 (11). Do you recommend any separate method of recruitment for the Judicial branch of the Indian Civil Service? If so, please describe the system that you would propose?—No.

41704 (12). Are you satisfied with the present definition of the term "Natives of India" in Section 6 of the Government of India Act, 1870

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(33 Vict. c. 3), as including "any person born and domiciled within the Dominions of His Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only," irrespective of whether such persons are of unmixed Indian descent, or of mixed European and Indian descent, or of unmixed European descent? If not, please state fully any proposals that you wish to make in regard to this matter?—It is difficult to improve the definition. The only alteration which I would propose is to include the subjects of Native States.

41705 (15). If the system of recruitment by open competitive examination in England is retained, please state the age-limits that you recommend for candidates at such examination, giving your full reasons. Do you consider that the age-limits should be fixed to attract candidates of the normal school-leaving age in England, or candidates who have completed a University course, or candidates at an intermediate stage of education?—I recommend the limits of 17 to 19. I myself passed in at 19 and came out to India at 21. I spent my period of probation at Cambridge and read mathematics with the intention of taking a degree, but I was unable to stay the whole of my third year. I returned into residence when I took my first furlough, and completed my terms and took my degree. I have taken into account all the arguments urged in favour of recruiting maturer Englishmen, but my personal experience has been that want of malleability is their most fatal defect. I think that as members of the Service they are lacking in *esprit de corps* and in devotion to the country in which their work lies. In respect of Indian candidates I have also taken into account the danger of denationalizing them so that they become neither good Englishmen nor good Indians. But after travelling in almost every country in Europe, I am so impressed with the character of the British people and the excellence of their institutions, that I think the balance of advantage is in favour of training the Indian boy in England from as early an age as possible. If the boy loses the best ideals of his race, the fault generally lies with the parents. In order, however, to meet the legitimate aspirations of Natives of India, I would list one-third of the superior posts. I would make the selections for these posts before the candidates are thirty years of age and would send them on probation to England on an allowance of £150 a year for a course of postgraduate study—preferably in law.

41706 (16). What is your experience of the relative merits of the candidates selected under varying age limits, particularly under the systems in force from 1878 to 1891 (age limits 17—19 years, followed by two or three years' probation at an approved University) and since 1891 (age limits 21—23 or 22—24 years, followed by one year's probation)?—For the reasons above stated I prefer the limits 17 to 19 followed by three years' probation so as to enable the candidate to take a degree in law and to read in Chambers and if possible to get called to the Bar. This to be in addition to departmental examinations in languages and Indian history.

If the limits are not reduced to 17—19 then at any rate they should be reduced to 21—23 with one year's probation for reading in Chambers.

41707 (18). What is the most suitable age at which junior Civilians should arrive in India?—Not later than 22. If, however, the limits 17 to 19 are not accepted, then not later than 24.

41708 (19). What age-limits for the open competitive examination in England would best suit candidates who are "Natives of India," and for what reasons? Do you recommend any differentiation between the age limits for "Natives of India" and for other natural-born subjects of His Majesty?—I think the higher limits suit Natives of India better, but I do not favour them on three grounds:—First, that the younger recruit is more malleable. Second, that the higher limits tend to shorten the period of residence in England necessary for Natives of India. Third, that the earlier the Native of India goes to England the more he assimilates English ideals. I do not think it would be possible to make a differentiation in respect of age between Natives of India and other subjects of His Majesty.

41709 (20). On what principle should the subjects for the open competitive examination be fixed? Do you accept the principle laid down by Lord Macaulay's Committee in 1854, and since followed, that "the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may devote himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined," and that the object should be to secure, not specialists in any particular subject that may be useful in a subsequent Indian career, but the ordinary well educated young man of the period?—I accept Lord Macaulay's principle.

41710 (21). Please examine the table in Appendix I to these questions, which shows the various phases of the authorised syllabus of the open competitive examination, and state what changes, if any, are, in your opinion, desirable, differentiating between the cases of candidates (a) of school-leaving age and (b) of University-leaving age?—(a) In the case of candidates of school-leaving age the only alteration I suggest is that Indian history with 500 marks should be made compulsory. (b) In the case of candidates of University-leaving age I would add Indian Law (other than Revenue Law) and English Law as compulsory subjects.

41711 (22). Is any differentiation in the subjects for the examination desirable between candidates who are "Natives of India" and other candidates? If so, please state them and give reasons?—No.

41712 (23). Do you consider it necessary that certain posts should be reserved by Statute for officers recruited to the Indian Civil Service, and if so, what posts and for what reasons? Please state in detail what alterations (if any) you recommend in the Schedule of the Indian Civil Service Act of 1861 (24 & 25 Vict. c. 54). [Attention is invited to the provisions of the Indian Civil Service Act, 1861 (24 & 25 Vict. c. 54) and of the Government of India Act, 1870 (33 Vict. c. 3), reproduced as Appendices II and III to these questions.]—I do not recommend any alteration in the schedule.

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41713 (24). Do you consider that a minimum proportion of European subjects of His Majesty should be employed in the higher posts of the Civil Administration? If so, to what proportion of the posts included in the Indian Civil Service Cadre do you consider that "Natives of India" might, under present conditions, properly be admitted?—I think a minimum of  $\frac{2}{3}$  of the Indian Civil Service should consist of European subjects of His Majesty.

41714 (25). Do you accept as generally satisfactory in principle the present system under which "Natives of India" are recruited partly through the medium of an open competitive examination in England, and partly by special arrangement in India, in accordance either with rules framed under the provisions of section 6 of the Government of India Act, 1870 (33 Vict. c. 3), or with the provisions of the Indian Civil Service Act, 1861 (24 & 25 Vict. c. 54)? Do you recommend any alterations in this system, and if so, what?—I would abolish the recruitment of Statutory Civilians. In other respects I approve of the present system subject to an extension of listed posts.

41715 (28.). Do you consider that the old system of appointment of "Statutory Civilians" under the Statute of 1870 should be revived and, if so, what method of recruitment would you recommend?—No.

41716 (29). What experience have you had of military or other officers who have been specially recruited in India to fill Indian Civil Service posts, and how many such officers are employed in your province. Please distinguish in your reply between (a) military officers and (b) others; and give details of the latter?—(a) I have had some experience in Eastern Bengal and Assam of Military Officers serving in posts reserved for the Indian Civil Service. (b) I have also had experience of one Police Officer who held a district charge in the Chittagong Hill Tracts.

41717 (31). If the system of recruiting Military Officers in India has been stopped, or has never existed in your province, would you advise its re-introduction or introduction, as the case may be, and if the system should be introduced or re-introduced, to what extent should it be adopted?—No. In view of the extension of listed posts I do not think it possible to reduce the number of Indian Civilians without interfering with the solidarity and *esprit de corps* of the Service. If the proportion of Natives of India is not increased in the manner suggested, I would empower local Governments to select 5 per cent. from other services.

41718 (33). Please now refer to the rules, dated 26th August 1910, made in exercise of the powers conferred by section 6 of the Government of India Act, 1870 (33 Vict. c. 3), and reproduced as Appendix IV, and to the statement in Appendix V to these questions, showing the number of offices, places, and appointments, commonly known as listed posts, ordinarily held by members of the Indian Civil Service, to fill which it has been declared that members of the Provincial Civil Service can properly be appointed; and say whether the figures given are correct for your province?—I believe the figures are correct.

41719 (36). Has the power to fill one-quarter of the listed posts with "Natives of India" other than members of the Provincial Civil Service or Statutory Civilians, been ordinarily and regularly exercised? If not, can you give the reasons for this, and do you think it advisable that the power should be utilised and in what directions?—I think the listed posts should be increased so that one-third of the District Magistrates and Judges are Provincial Service Officers.

41720 (37). Does the system by which most of the inferior listed posts are merged in the Provincial Civil Service give satisfaction—(a) to the members of the Provincial Civil Service; and (b) to the public interested in this question; and what advantages, if any, does this arrangement possess?—Yes, by hypothesis Civilians are recruited for superior posts and fill the inferior posts only for purposes of training.

41721 (38). Is the class of posts listed suitable? If not, in what directions would you suggest any changes, and why?—Yes.

41722 (43). What is your experience of the results of the existing system under which successful candidates in the open competitive examination are required to undergo a probationer's course of instruction in England? Do you recommend the continuance or abolition of this system?—I approve of a system of probation.

41723 (44). What should be the duration of the probationer's course in England (a) under the present system of the open competitive examination, (b) under any modification of that system recommended by you?—(a) One year. (b) If the age is reduced to 17—19, then three years.

41724 (45). Do you consider it desirable that probationers should be required to spend their period of probation in England at an approved University?—No. Under the present system I would require them to spend the time in a Barrister's Chambers in London. But if the age is reduced, then I would require them to go to Oxford or Cambridge. I would exclude the Scotch and Irish Universities.

41725 (47). Do you consider that probationers should receive allowances during their period of probation? If so, please give the scale and conditions that you recommend?—Yes. I would allow £150 a year, on condition (a) of passing the departmental examinations in languages and showing due diligence in Chamber work—if the age is 21 to 23; (b) of taking a degree in law and passing the departmental examinations if the age is 17 to 19.

41726 (49). Would it, in your opinion, be desirable to establish a separate institution in England for this purpose, and, if so, under what conditions?—No.

41727 (50). If a probationer's course is continued in England, do you accept the principle laid down by Lord Macaulay's Committee in 1854, that successful candidates in the open competition should be considered as having finished their general education and that their future studies should be such as have a special tendency to fit them for their calling? Does your answer apply equally to candidates who pass the open competitive examination after leaving school and to those who do so after completing a University



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course?—I agree with the principle laid down by Lord Macaulay's Committee.

41728 (51). Please examine the statement printed as Appendix VI to these questions, showing the courses of studies prescribed for probationers in 1891 and 1912, and state what alterations (if any) you desire to recommend in the present course (a) under the existing system of the open competitive examination, and (b) under any modification of that system recommended by you?—(a) In the list prescribed for probationers in 1891 I would add English Law as a compulsory subject. I would increase the period of probation to three years and require the candidate to take an Honours degree in Law at his University. (b) I would remove all the optional subjects from the list for 1912 except Hindu and Muhammadan Law.

41729 (52). In particular, please state your opinion as to the desirability during the period of probation of (i) compulsory attendance at Law Courts in England and reporting of cases; (ii) the teaching of Indian Law in addition to the general principles of jurisprudence; (iii) the teaching of the grammar and text-books of Indian languages with or without any attempt at colloquial instruction; (iv) the teaching of (a) Indian Geography, (b) Political Economy, (c) Accounts.—(i) Whether under the old system (i.e., previous to 1891) or under the new system, I would require the probationer to report cases. (ii) In regard to the teaching of Indian Law I prefer the old system. If the age is not reduced, Indian and English Law should be compulsory in the open competition. (iii) Under either system the teaching of Indian languages is provided for. I would restrict compulsion to only one Vernacular. (iv) (a) I would include Indian Geography with Indian History in the new system. (iv) (b) I would add Political Economy as a compulsory subject in the new system. (iv) (c) I would exclude Accounts.

41730 (53). Do you consider that the probationer's course of instruction can best be spent in England or in India?—In England. For an English probationer the time is wasted in India and for an Indian candidate residence in England is far more useful than residence in India.

41731 (54). What is your opinion of a proposal to start at some suitable place in India a college for the training of probationers of the Indian Civil Service and possibly of other Indian services recruited in England?—I see no advantage in this. The social life of the two great Universities of England is of incalculable value to school-leaving probationers. For those who have finished their University career and are required to reside in London for the purpose of attending Chambers, a Training College, such as is proposed, seems quite unnecessary. The period of training at Fort William was by all accounts not a success.

41732 (55). What is your opinion of a proposal that each provincial Government should arrange for the training of probationers by suitable courses of instruction for the whole or portions of the first two years of service at some suitable centre?—I see no necessity in providing a Central Training College such as is provided for Cadets in the Police. It will be sufficient if Local Governments continue the present practice of sending probationers to selected district officers. The sooner a Civilian

enters upon his duties the better for himself and the administration.

41733 (56). In the report of the Treasury Committee appointed to consider the organisation of Oriental Studies in London (1909), the view is taken that the preliminary training in Oriental languages and in Law required by probationers can be given better in England than in India, because of the difficulties which junior Civilians would experience in learning these subjects in India, the lack of good teachers in Indian district head-quarters, the difficulty of even good Indian teachers appreciating the European student's point of view, and the difficulty of arduous study in a tropical climate. Do you consider that these objections could be met by a suitable scheme of instruction in India?—It would be quite possible to frame a suitable scheme of instruction in India, but I see no necessity for it.

41734 (59). Do you consider that any differentiation is necessary during the period of probation between the course of study for probationers who are "Natives of India" and the course prescribed for other natural-born subjects of His Majesty? If so, please state the special arrangements that you recommend?—No.

41735 (60). Are you satisfied with the present arrangements for the training of junior members of the Indian Civil Service after they have taken up their appointments in India? If not, what change should, in your opinion, be introduced?—Yes. I would, however, insist on six months' training for every Civilian as Assistant Settlement Officer. This training should be given after the officer has passed his departmental examination.

41736 (61). Is the existing system of Departmental examinations suitable, and if not, what change do you recommend?—I would not require an officer to pass in any subject but the vernaculars, but I would raise the standard in these.

41737 (62). Do you consider that there has been any deterioration in the knowledge of the Indian languages possessed by members of the Indian Civil Service? If so, what are the causes? Are you satisfied that European members of the Indian Civil Service attain to an adequate proficiency in the study of the Indian languages, and if not, how could this best be remedied?—Yes. There has been a deterioration. The chief causes are: (i) spread of the knowledge of English among subordinates, (ii) improved communication with Europe, (iii) increase of Europeans in India. Ignorance of the languages and literature of India is seriously impairing the efficiency of the Service. The remedies I propose are to (i) raise the standard of the present departmental examinations, (ii) add a departmental examination in the 7th year of service in which the standard will be that of a Degree of Honour and in which failure will retard promotion but a pass will entitle the examinee to a reward of Rs. 5,000.

41738 (63). Do you recommend any changes in the rules for the encouragement of the study of Oriental languages, and if so, what changes?—No: these optional examinations are of little use. The Civilian has so little leisure that the rewards do not tempt him.

41739 (64). Please give your views as to what steps (if any) are necessary to improve the proficiency in the knowledge of Law of

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members of the Indian Civil Service, distinguishing between recommendations applicable to all officers and to officers selected for the Judicial branch. In particular, do you favour a system of granting study leave to Europe, and if so, what course of study (course for a call to the Bar, reading in barristers' chambers or other), and what conditions do you propose?—If the age for competition is 17—19, I would require every probationer to take a degree in Law during his period of probation which should be increased to three years. During this time he should be encouraged to eat his dinners at the Inns of Court and if possible pass his Bar examinations. Government should pay his call fees in addition to a bonus of £50. If the age for competition is 21 to 23 or 24, I would make Indian (other than Revenue) Law and English Law compulsory subjects in the open competition. During his one year's probation I would require the selected candidate to read in a Barrister's Chamber, to eat his dinners at one of the Inns of Court and to attend the Law Courts. A satisfactory certificate from the Barrister with whom the candidate has read should entitle the probationer to his reading fees and a bonus of £50. On arrival in India the Civilian should have four years' district work inclusive of six months in the Settlement department. He should then try civil cases as a Munsif for six months while at the same time doing his ordinary criminal work. Then he would exercise the powers of a Sub-Judge for a year. If possible he should then be attached for three months to the Legal Remembrancer's office to watch the trial of cases in the High Court. Bifurcation for the Judicial branch would take place between his 7th and 8th year and, if selected for the Judicial, he would be eligible for study leave for one year, to enable him, if he has not already done so, to read in Chambers and to qualify for a call to the Bar. On receipt of a satisfactory certificate from the Barrister with whom he has read he should be entitled to his reading fees together with a bonus of £50. If he gets called to the Bar either during his study leave or during some subsequent leave he should be paid his call fees and a bonus of £50. A High Proficiency and an Honours Examination with suitable rewards should be held for the encouragement of the study of Indian Law. So far as possible the above facilities should also be accorded to officers who have already been selected for the Judicial branch. Reading in Chambers and study of law at the Inns of Court should count for promotion in the Judicial branch. I spent two years of my last furlough in such study and served the Government of Eastern Bengal and Assam as Legal Remembrancer with sufficient success to be chosen for a similar post under the Government of Bihar and Orissa, but I was superseded for promotion to the High Court by an officer who had undergone no such course. To meet the objection that a severer course of study is being prescribed for officers of the Judicial branch than for those in the Executive the emoluments of the ultimate goal, namely, a High Court Judgeship should be raised to Rs. 5,000 per month. There are other grounds also which render such a change desirable. Of these the strongest appear to me to be: (i) the difficulty of obtaining good Barrister and Valil Judges for the present salary; (ii) the less attractive nature of the work as compared with the Executive branch; and (iii) the paucity of

Honours and decorations conferred on Judicial officers. The above contains the main heads of a scheme which I submitted to the Government of Eastern Bengal and Assam once in 1907 and again in 1911.

41740 (68). Is any differentiation desirable in the system of training after appointment in India between members of the Indian Civil Service who are "Natives of India" and other natural-born subjects of His Majesty? If so, please state your proposals?—No.

41741 (72). The present theory underlying the conditions of service in the Indian Civil Service is that—(a) the members of the Service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones; and (b) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties. To secure these objects the number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 *per mensem* is ascertained, and it is endeavoured to recruit only sufficient officers to make it probable that each officer will find himself officiating with practical permanency in at least the lowest of those appointments after the completion of eight years' service. Do you accept this system? If so, do you consider that the period of eight years is suitable, or do you recommend any change? What alteration (if any) would be necessary if the age of recruitment were lowered?—I consider the period of eight years suitable.

41742 (73). It is also part of the existing system that officers of over two but under eight years' completed service should fill with practical permanency in the ordinary course of promotion charges of minor responsibility, called technically "inferior posts," and should be drawing pay at rates above that of the lowest grade, but not exceeding Rs. 1,000 *per mensem*. Do you accept this as a suitable arrangement? If not, what alteration would you suggest, and for what reasons?—Yes.

41743 (87). Are you satisfied that, under the existing system of promotion, the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—No. I would suggest that in every local Government and in the Government of India a Board should be appointed to recommend for promotions and selections. There is at present some dissatisfaction as to the manner in which selection to the higher appointments are made. In particular, some change appears to be necessary for appointments in the Judicial branch. I would suggest that the Registrar on the Appellate Side should be replaced by a High Court Judge whose duties should include inspection of the work of subordinate officers locally and otherwise, and who should be a member of the Provincial Board of Promotion. At present there is great complaint that the High Court of Calcutta is out of touch with the work of District Judges. I would suggest that the Inspecting Judge should annually classify all the District Judges in order of merit upon their work during the preceding year.

41744 (88). To what extent are the functions of the officers of the Executive and Judicial branches of the Indian Civil Service

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differentiated? Is any change desirable and, if so, in what directions?—To all intents and purposes the separation is complete. I do not recommend any change.

41745 (92). Are the present rates of pay and grading suitable? If not, what alterations do you recommend?—I have no suggestions to make except that an officiating appointment should carry with it the full pay of the post and that the time has come for a revision of salaries.

41746 (94). Do you consider it desirable that there should be uniformity of payment for similar kinds of work in all the provinces, and does any dissatisfaction on this score exist in your province, and if so, what?—I am aware that there is discontent on this score, but I cannot suggest any remedy, except, perhaps a minimum time-scale, to which also I see objections.

41747 (95). Do you consider that the exchange compensation allowance introduced in 1893, eligibility for which depends on nationality or domicile, should be abolished, and if so, under what conditions? Should such abolition apply to officers already employed or be restricted to future entrants?—I think exchange compensation allowance should be abolished and the pay of all officers raised by a reasonable proportion. I think the Secretary of State's refusal to give the allowance to Indian members of the Indian Civil Service worked a hardship. Some of these officers have married in Europe, all must of necessity adopt an English standard of living and give their children an English education. It is felt that the refusal has served merely to cause bitterness and to accentuate race differences. In this connection I have to note that the European members of the Service have adopted an unwise and unreasonable hostility against their Indian colleagues. The extraordinary rise in prices which has taken place within the last 50 years is surely sufficient ground for raising salaries. It is also for consideration whether the Indian members of the Service who have been so long deprived of exchange allowance should not now receive some pecuniary compensation for past losses in the nature of a bonus for each year which has elapsed since the allowance was introduced.

41748 (97). How does the system of acting allowances work in the case of officers selected to officiate in appointments involving increased responsibility? Is it productive of any inconvenience and have you any suggestion to make on the subject?—In my opinion an officiating appointment should carry with it the full pay of the post.

41749 (99). What is your opinion regarding the substitution for the existing graded system of promotion of a time-scale of salary? If you are in favour of a time-scale, should it be restricted to the lower grades of the Service or not?—I think a time-scale is inconsistent with the theory on which the Indian Civil Service is recruited. In the inferior posts the grading already secures the benefits of a time-scale. Perhaps some modified system, limited to officers of 15 years' service, might be devised, but I am very doubtful.

41750 (100). As an alternative do you recommend a system by which each main class of appointment would have a separate time-scale?—No.

41751 (101). What is your experience of the practical working of time-scale of pay in other Indian services?—I have none.

41752 (104). Turning now to the case of the Statutory Civilians and officers of the Provincial Civil Services holding listed posts, do you approve of the arrangement by which they draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian Civil Service? If not, what rate do you suggest for the various grades of the Service?—Yes.

41753 (106). Is there any reason to suppose that officers of the Indian Civil Service take more or less leave of any particular kind than they did 5, 10, 15, or 20 years ago? If so, to what is this due?—I think officers take less leave. I would raise furlough allowance to half pay subject to a minimum of £500. Most officers are in debt when they return from furlough.

41754 (107). Is all the leave on full pay due to them ordinarily taken by officers of the Indian Civil Service, and if not, what are the reasons? Is the amount which can be earned in your opinion suitable? If not, what alternative arrangement do you suggest?—I think the amount earned is suitable, but there was till lately a tendency to refuse privilege leave to junior officers to an extent which operated as a hardship. I have personally suffered from this tendency in the earlier part of my service.

41755 (108). Is all the furlough due to them ordinarily taken by officers of the Indian Civil Service? Is it necessary to allow for as much furlough as is permissible by the present rules? If not, what change do you suggest?—Yes. The present allowance of furlough is to the advantage of the administration. An officer who does not take his furlough regularly is apt to deteriorate.

41756 (109). Do you consider that the rates of furlough allowances are suitable? If not, what changes do you recommend?—Yes. Subject to answer to question (106).

41757 (111). Do you consider that the maximum and minimum limits of leave allowances at present fixed are suitable? Do you recommend any change in the alternative rates fixed in sterling and in rupees, and if so what change?—Yes. I would keep alive the rupee rates so as to discourage officers from spending their leave in India.

41758 (116). Do the present leave rules applicable to Statutory Civilians, or to officers of the Provincial Civil Services employed in listed posts, cause any inconvenience to the Administration, or press hardly on the officers themselves, and in what respects? In particular, do you consider that separate sets of rules for such officers and for officers of the Indian Civil Service are desirable?—I would maintain the present rules.

41759 (118). Is the present system of equal annuities to all members of the Indian Civil Service generally accepted as satisfactory by the Government and by the members of the Indian Civil Service?—Yes. I would raise the pension and annuity of Lieutenant-Governors, Members of the Executive Council, and members of the Board of Revenue to £1,200 a year. I would maintain the present rate in respect of High Court Judges, but would reduce the period from 11½ to 5 years.

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41760 (119). Would a non-contributory system of superannuation pensions, varying in amount with the amount of salary drawn at the time of retirement, be preferable in the interests either of the Government or of the members of the Indian Civil Service?—I would suggest that contributions should be abolished, but the present rate of £1,000 per annum maintained.

41761 (123). Assuming the substitution of a non-contributory system of superannuation pensions varying in amount with the amount of salary drawn at the time of retirement, please describe the system that you recommend?—I do not approve of this system—it would lead to inefficiency.

41762 (124). Do you recommend the introduction of a system of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult to retire without some provision for their subsistence? If so, what do you suggest?—Yes. The power of dispensing with the services of inefficient officers should be more freely exercised subject to the following safeguards:—(i) Rates of pension to be the same as for retirement on medical certificate. (ii) No retirement to be made except under the orders of the Secretary of State.

41763 (125). Do you consider the existing pension rules suitable in the interests both of the Government and of the members of the Indian Civil Service? In particular, what is your opinion of the present rules regulating voluntary and compulsory retirement?—I think the rates of invalid pension should be raised.

41764 (129). Do you accept as satisfactory the regulations of the Indian Family Pension Fund, or have you any suggestions to make either for their abolition or for their alteration? Have you any proposals to make in regard to the present methods of working such regulations?—Yes. So far as they affect European officers.

41765 (130). In particular, do you approve of the exclusion from their benefits of "Natives of India," who are members of the Indian Civil Service? If not, under what conditions would you admit them, having regard to the main differences between their social conditions and those of the European members on which the present system is based?—No. The exclusion of Natives of India has caused much bitterness. The belief prevails that the exclusion is due to race feeling. Insurance Companies make no difference between Indian and English lives and the social conditions of the Indian members of the Service are not now materially different from those of their European Colleagues. If anything, the tendency among the Indian members is to have fewer unmarried daughters. I would make no differentiation in the conditions of admission. Having regard to the necessity of maintaining the solidarity of the Service I think much unnecessary harm is done by the adoption of a policy which may seem petty and ungenerous.

41766 (131). Do you recommend that such admission should be optional or compulsory?—Compulsory.

41767 (132). If you do not approve their admission to the Indian Civil Service Family Pension Fund, do you recommend the formation of a separate Family Pension Fund?—I see no necessity for a separate fund. While on furlough

in 1898 I attempted to interest the India Office in this matter. I was asked to submit a scheme. For this purpose I spent some money in engaging an Actuary, but I could not evolve a satisfactory separate scheme as I was unable to guarantee a continuity of subscribers to the proposed fund. The present position however is very unsatisfactory and some action by Government is urgently required.

41768 (134). Have you any criticisms to make on the facilities at present offered—(a) to statutory Civilians; (b) to members of the Provincial Civil Services holding listed posts; for providing for their families against their decease?—I think they should be allowed to join the fund on the same footing as covenanted officers—especially as I propose that all provincial officers selected for superior posts should be sent to England for two years.

41769 (135). Have you any other proposals to make in regard to the conditions of pension not covered by your answers to the above questions?—No.

41770 (137). Have you any other proposals to make in regard to the Indian Civil Service not covered by your answers to the above questions? If so, please explain them?—(i) If the matter is not concluded by the report of the Decentralization Committee, I would suggest the abolition of Commissioners of Divisions and the Member of the Board of Revenue. The work of the latter can be done by the members of the Executive Council, and in lieu of the former I would suggest a strengthening of the Secretariat. (ii) To facilitate the administrative work of the High Courts I would arrange that they should deal only with the respective Local Governments. (iii) I consider the grouping of more than one district in a Sessions Division unsatisfactory. An increase in the number of District Judges would enable Subordinate Judges to be trained in Criminal work and also materially improve the administration of civil justice. The inability of the District Judge to take up the more important suits and appeals is becoming almost a scandal. (iv) Raising of salaries on account of the rise of prices. I think this is a matter vital to the morale of the Service. Indian Civil Servants as a class are credited by the people of this country with being unduly clannish. In my opinion the charge is true so far as it relates to the defence of an offender for an error of judgment, but I know of no service more prone to punish with severity amounting to injustice the most trivial lapse from its standard of integrity or devotion to duty. It is this feature that has so profoundly affected all subordinate services and it is to the interest of the public to preserve it by every reasonable means. It is, I take it, to this that people refer when they talk of the benefits of an administration run on English lines.

*Written answers relating to the Provincial Civil Service.*

41771 (1). Please refer to Government of India Resolution No. 1046—1058, dated the 19th August 1910, defining the general conditions which should govern recruitment to the Provincial Civil Service, and reproduced as Appendix A.

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Are these conditions suitable, or have you any recommendations to make for their alteration?—On principle I am opposed to the system of nomination which prevails in the Executive branch. But as there is only one University no difficulty arises in comparing the merits of the candidates. A competitive examination is therefore unnecessary, and I shall be satisfied with the existing system provided the selections are made by the Board of Selection referred to in my answer to question (57) of the questions relating to the Indian Civil Service. When, however, our Universities multiply we should revert to selection by competitive examination subject to a rigorous physical test.

41772 (2). Please supply a copy of the Rules for the Recruitment of the Provincial Civil Service in force in your province. Are these rules suitable, or have you any recommendations to make for their alteration?—In the Judicial branch I favour the present system, but would abolish the condition requiring three years' practice at the Bar for Munsifs.

41772 (a) (6). What is your experience of the officers selected by the different methods of recruitment, which method has proved the most satisfactory, and what changes, if any, in the present system of recruitment do you recommend? For direct recruitment do you recommend (a) open competition, (b) nomination, (c) combined nomination and examination, or (d) some other method? Please describe fully the system that you recommend?—Please see answers to questions 1 and 2.

41772 (b) (7). To what extent are non-residents of the Province employed in your Provincial Civil Service? Do you consider that only residents of the Province should ordinarily be recruited?—I do not think it desirable to limit recruitment to residents of the Province. Efficiency should be the main consideration in Government service and administrative officers should be accorded some freedom. The present rule in Bihar and Orissa by which the sanction of Government has to be taken for the appointment of every non-domiciled candidate works well in practice. Such a system tends to produce inefficiency and to perpetuate race jealousies. Some power of nomination should be reserved for exceptional cases. All classes are not proportionately represented in Bihar and Orissa nor will it be possible to secure this result for some time if efficiency is to be an essential consideration.

41772 (c) (8). Are all classes and communities duly represented in your Provincial Civil Service? Do you consider that this is desirable, and what arrangements do you recommend to secure this object?—No. Government offices cannot be run on the lines of a representative assembly.

41772 (d) (9). What is the system of training and probation adopted for officers of the Provincial Civil Service? Do you consider it satisfactory, and if not, what alterations do you recommend?—Yes.

41772 (e) (10). Is the existing system of departmental examinations suitable, and if not, what changes do you recommend?—Yes.

41772 (f) (11). Do you consider that any change should be made in the classes of offices and appointments at present included in your Provincial Civil Service?—No.

41772 (g) (12). What is the system on which the strength of the <sup>Executive</sup> ~~Medical~~ branch of your Provincial Civil Service is fixed? Do you consider it satisfactory, and if not, what alterations do you recommend?—On the Executive side the state of affairs is, I believe, satisfactory. On the Judicial side the grading should be altered so as to enable a Munsif to become a Subordinate Judge before 48. I also think the number of Subordinate Judges, and Munsifs should be increased, the former by 10 per cent. and the latter by 20 per cent.

41772 (h) (16). To what extent is any system of selection for appointments to the higher grades enforced? Is any change of practice required in this respect?—I have special knowledge only of the Judicial Branch. Promotion is made by the High Court. I think the results will be more satisfactory as regards promotions to Subordinate Judgeships if a special officer is appointed to combine the duties of Inspecting Judge and Registrar on the appellate side. Complaints have often been heard that the Judge in charge of the English Department is not sufficiently accessible.

41772 (i) (17). Are you satisfied that under the existing system of promotion the interests of individual officers and of the Administration are duly reconciled, and have you any suggestions to make regarding it, particularly on the subjects of selection for higher appointments and of the compulsory retirement of inefficient officers?—No. For the Executive side I would suggest the Board of Promotions and Selections referred to in my answer to question 87 of the questions relating to the Indian Civil Service should recommend to the local Government both in the matter of selection and retirement. For the Judicial branch the power should rest as now with the High Court.

41772 (j) (18). To what extent are the functions of the officers of the executive and judicial branches of your Provincial Civil Service differentiated? Is any change desirable, and if so, in what direction?—The state of affairs is the same as in Bengal. Theoretically I am in favour of a separation, but I have seen no satisfactory scheme which does not involve a substantial increase of expenditure. On the whole, I think the present system is suited to the country, and the proposed reform is somewhat a counsel of perfection.

41772 (k) (19). Are you satisfied with the existing arrangements by which certain posts, ordinarily filled by members of the Indian Civil Service, are listed as open to officers of the Provincial Civil Service of proved merit and ability, and is the system followed in making appointments to these posts suitable? If not, what alterations do you suggest?—Yes, but I would still further extend the number of listed posts so

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that one-third of the total number of District Magistrates and Judges were officers of the Provincial Services. In this connection please see my answer to question (8) of the questions relating to the Indian Civil Service. The system involves the deputation of candidates selected for listed posts to England for post-graduate study.

41772(l) (20). Are you satisfied with the system by which most of the inferior listed posts are merged in the Provincial Civil Service? If not, what change would you suggest?—Yes.

41772(m) (21). Are you satisfied with the present designation "the Provincial Civil Service"? If not, what would you suggest?—Yes.

41772(n) (22). Do you accept as suitable the principle recommended by the Public Service Commission of 1886-87, and since followed, that the conditions of the Provincial Civil Services as regards salary should be adjusted by a consideration of the terms necessary to secure locally the desired qualifications in the offices appointed? If not, what principle do you recommend?—Yes.

41772(o) (24). Are the existing rates of pay and grading in the Provincial Civil Service of your province adequate to secure the desired qualifications in the officers appointed? If not, what alterations do you recommend?—No. I would raise the initial pay of Munsifs to Rs. 250 or Rs. 300. In fact in both branches of the service an all-round increase of pay in the lower grades has become an urgent necessity owing to the great rise in prices.

41773 (26). What is your opinion regarding the substitution of a time-scale of salary for the existing graded system of promotion? If you are in favour of a time scale, should it be restricted to the lower grades of the Service, or not?—I do not approve of a time scale—it will produce inefficiency.

41774 (27). As an alternative, do you recommend a system by which each main class of appointment would have a separate time scale?—No.

41775 (30). Do you approve of the arrangement by which officers of the Provincial Civil Service holding listed posts draw salary approximately at the rate of two-thirds of the pay drawn in the same posts by members of the Indian

Civil Service. If not, what rates do you suggest for the various appointments?—Yes.

41776 (32). Is all the leave on full pay due to them ordinarily taken by officers of the Provincial Civil Service, and if not, what are the reasons. Is the amount which can be earned in your opinion suitable. If not, what alternative arrangement do you suggest?—On the Judicial side officers take very little leave because they get an annual vacation. I think they should ordinarily be compelled to take some furlough every 5 years.

41777 (38). Do any of the present leave rules press hardly in any way on officers of the Provincial Civil Service, and, if so, in what respects? What is, in your opinion, the appropriate remedy? In particular, do you regard the existing differences between the leave rules for the European and Indian Services as suitable?—The amendment of the Provincial Civil Service rules is being separately considered by Government. I approve of the amendments now under consideration.

41778 (40). Is the present system of superannuation pensions satisfactory in the interests both of the Government and the members of the Provincial Civil Service?—Yes.

41779 (42). Do you approve of the grant of reduced pensions for such officers as may be found to be inefficient but whom it may be difficult to retire without some provision for their subsistence? If so, what do you suggest?—Yes. The rates of pension should be identical with those for retirement on medical certificate.

41780 (46). Are you satisfied with the existing organisation of the Provincial Civil Service? If not, please state what alternative organisation you consider desirable, and explain fully your views, making any suggestions that appear to you to be suitable?—I am satisfied with the present organisation, except in regard to the number of listed posts. It is the Provincial Service that carries on the administration of the country, and the remarkable progress which India has made in every direction bears striking testimony to the organisation of the Service.

41781 (47). Have you any other proposals to make in regard to the Provincial Civil Service not covered by your answers to the above questions? If so, please explain them? No.

Mr. B. K. MULLICK, called and examined.

41782. (Chairman.) You are a member of the Indian Civil Service and Superintendent and Remembrancer of Legal Affairs to the Government of Bihar and Orissa and you are now an officiating Judge of the Calcutta High Court?—Yes.

41783. For how many years have you occupied the position of Superintendent and Remembrancer of Legal Affairs?—I was posted as Superintendent and Remembrancer of Legal Affairs to the Government of Eastern Bengal and Assam in March 1910 and then I was transferred in the same capacity to Bihar and Orissa and I held that post for nearly three years till two months ago.

41784. For how many years have you been in the Service?—23 years.

41785. You are in favour of the extended employment of Indians and would like to see one-third of the Indian Civil Service cadre filled by your own countrymen?—Yes, that is to say in appointments up to district charges, both Executive and Judicial. As regards higher appointments, I would leave matters as they are.

41786. You would select for these appointments largely from the Provincial Civil Service?—Yes.

41787. Do you think that simultaneous examinations should be established with a view to recruitment for the Indian Civil Service?—I am totally opposed to the simultaneous examinations.

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41788. I gather from your answer that if schools and colleges of the best English type spring up in India you think it may be possible to consider the question of simultaneous examinations?—I think so.

41789. Do you think that the simultaneous examinations if established in this country would tend to disturb the best development of education in India?—Certainly at present. What I want is that the English training as we get it now should not be disturbed; and when we can supply something as good in India, it will be time enough to consider the institution of simultaneous examinations.

41790. Do you agree with the educational system prevailing in the colleges of India as far as it goes?—That is a large question. I do not know enough of education to answer that question off-hand. But I think the movement is in the right direction. We are now approximating towards the English system; and that is the best system as far as I can see.

41791. I gather that you apprehend that in the event of such an examination being established in India, the pressure to model the curriculum in the colleges to suit that examination would become irresistible?—No doubt that would be one of the results. But my main objection is that the men that we would get into the Indian Civil Service would not be the kind of men that we ought to have for the country. They will lack the training which in my opinion can be got in England alone at present.

41792. In selecting from the Provincial Civil Service you would take young men at about 30 years of age?—Under 30 years. I think after four years' service one ought to be able to say what they are likely to turn out.

41793. Taking them under 30 years of age, would you send them to England for a post graduate course?—I would.

41794. This you would couple with the persons entering the Service through the open competition at Home?—Subject to the number of young men getting in in England, I would send the balance up from here.

41795. So that the aggregate comes to one-third?—Yes, at some future time. You would not be able to do that at once.

41796. The candidates that you send to England from the Provincial Service when they return to India would be confined to positions in the listed posts?—Certainly; they would be a part of the Provincial Civil Service, holding appointments in the Indian Civil Service.

41797. Would you afford them the opportunity to go right up the line?—No. I would limit their promotion to district charges; that is to say, District Magistrates and District Judges. As for the higher posts, I would leave matters as they are. Indians who passed in England would get promotion as now to any appointment for which they were fit.

41798. You think that the scheme is one which would be better for the future administra-

tion of India, than a scheme of supplementary examinations, in India for Indians, with an opening in England, which would enable them to enter the Indian Civil Service?—Yes, I think so. My objection to the examination in India is that the English training is not got here.

41799. But assuming that a three years' course at the University is made conditional after the examination, would you still stick to the English training?—I would, because, as the examination stands, it is necessary to go to England much earlier, and stay at least for five years. I would like nothing below five years. Anything that reduces the length of the English training and the age at which it is got, I think, condemns the scheme.

41800. How many years, on an average, does an Indian, intending to go up for the Indian Civil Service, require to stay in England and live there before the examination?—My total stay was 9 or 10 years. The average, I would say, was five years. It is not possible to get in very much under five years, except in the case of remarkably able young men.

41801. You would not say that an average Indian wants five years prior to the examination in England?—I think taking the total period of training it will be five years. Taking away one year's probation out of that, I think he should have at least four years.

41802. Did you go home at the school-leaving age, about 18?—I went there at 12.

41803. Did you go through a public school?—I was at a private school. Then I went to University College School, London.

41804. Is it not rather an exception with Indians to go at such an early age?—No, when the age of admission into the Civil Service was 17 to 19. As a rule, we had to go there early. That is why I favour an early age.

41805. The main reason why you favour an early age is because you insist upon Indians who go to England, having a public school or a school training?—Yes.

41806. And you do not believe that they could acquire what is termed British tone, unless they go through that double training in a school and University?—Quite so, that is my belief.

41807. Now, as regards your proposal of promotion from the Provincial Civil Service of these young men, what effect do you think it will have on the rest of the Provincial Civil Service men?—It will raise the tone of the Service. It is a very fine Service, as it is; and I think it will make it much better. That is our main object, We ought to get a cheaper Civil Service, if we can.

41808. You do not apprehend any feeling of discouragement or dissatisfaction on the part of the majority that are left behind in the Service?—No. I think it will be the other way. I think it will stimulate them; and it will probably raise the whole Service.

41809. I suppose the young man whom you propose to take under 30 will have to prove to you



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by some test his superior merit over his fellows, before he is selected?—Yes.

41810. What form of test would you put him through?—First of all a physical test. That is very important. Those who get into the Indian Civil Service have to pass a very severe physical test. I should have a correspondingly severe physical test. Secondly, he must be of active habits; and thirdly I would have a board of selection who would, to the best of their judgment, select an intellectually excellent man, who, by practical work, has been able to show his power to command or to get work out of others.

41811. With regard to the recruitment at a maturer age, you consider that an officer is too fixed at the age he reaches this country—at the age of 25?—I have considered that matter and I do not like men to come out older.

41812. We have had evidence before us from certain witnesses that an officer, entering the Service earlier than 25, will be immature for the discharge of the responsible duties that are imposed upon him. But you do not fear that?—I do not.

41813. Any way, putting one point against another, malleability is of greater importance than anything else?—I think the balance of advantage is greatly in its favour.

41814. And you say it can be acquired by a young man coming out at the age of 22?—Undoubtedly.

41815. Do you think that the earlier age will affect injuriously the chances of Indians at the open competition in London?—I do not think it will. In my time it did not. I do not know what the percentages are, but I think quite a fair number used to get in while young. Then, of course, I qualify my scheme by saying one-third should be Indians. This rectifies the possible deficiency of Indians.

41816. You mean the Provincial Service scheme?—Yes.

41817. But I understand that the opportunities afforded to an officer in the Provincial Civil Service scheme are not so brilliant as those of an officer of the Indian Civil Service?—That is so. But I think that the number of men that will get in under the earlier age will be sufficient, at any rate, to give us an Indian Commissioner and Member of the Board of Revenue.

41818. Can you give us any idea, from your past experience, as to the number that got in at an earlier age in your own time, as compared with the present number?—I have not worked out the proportions. Speaking from memory, I say that there were three Indians out of 45 in my year. In the year before there were two, and for several years there were none. Then I think in a subsequent year there were four. I do not think there would ever be a year in which no Indian would get in. In my time it was much more difficult to send boys while young to England. I had my father and my mother there; both went and resided in England. But now that the question of guardianship has been solved, com-

munications are improved and prejudices are disappearing, I think the supply of Indian candidates will not lessen.

41819. You mean the proportion of those that went up for that examination in your time, that went up early to England, was very small?—They were all young. They had to go very early.

41820. Am I right in inferring from the answer you gave that the proportion of that 45 that went up for the examination who went home at the age of 13 was very small?—Out of the total number of candidates that went up for the examination between 17 and 19, the proportion that went to England early was large.

41821. Am I right in my inference?—What I meant to say was this: the rule was to go young, and stay long, so that the proportion of those that went young and stayed long would be large.

41822. Of these 45 that went up for the examination, from your memory a large proportion of them went to England at the age of 13?—No.

41823. Is it 45 Indians that went up?—45 is the total number of vacancies.

41824. I think we are at cross purposes. I understood that out of 45 Indians that went up 4 got in?—I do not think that in my time there was a case of 45 Indians going up for the examination. I do not know if there are so many Indians even now.

41825. How many went up?—7 or 8.

41826. Out of 7 or 8, how many went to England at the age of 13?—I think all must have gone very young.

41827. Do you think that the parents would be less reluctant to-day to part with their children at that age than they were before?—There ought to be much less reluctance, seeing that the question of guardianship has been solved and there are more facilities for boys being looked after.

41828. In answer to question (64), you attach importance to a thorough practical training for the members of the Indian Civil Service who elect for the Judicial branch and you say that training in the Settlement department is of very great value. Can you explain why?—I should say that in every district or in every division there are settlement operations going on and there are what are known as settlement camps. I should send young Civilian to one of these camps to do work as assistant settlement officers.

41829. You think that is of great value?—I think the settlement officer is one of the few men in the Indian Civil Service that knows the people well.

41830. In answer to question (87) you suggest the appointment of a provincial Board for promotions? Have you come across anything in the nature of a somewhat undignified touting for appointments among candidates?—On the part of candidates personally?

41831. Yes?—In the Indian Civil Service?

41832. No, in the Provincial Service in the system of nominations?—Yes, certainly.

41833. You would like to see that remedied?—Yes.

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41834. Do you think that it would be recommended by the Appointment Board?—I think so.

41835. What would be the constitution of that Board?—I think it is a thing really for the Government of India to consider. I think the Board may consist where there are provincial councils, of three members of the provincial council, one judicial officer and perhaps also a non-official. I would not insist so much about a non-official; but I should certainly have one judicial officer and the three members of council.

41836. Would you like to see any non-official element on the Board?—I would like to see it, but I do not know where I should find the man. That is the difficulty. On the whole, if the Indian member of the Executive Council is well selected, I shall be quite content to leave it to him to represent the Indian element.

41837. Do you think there will be any difficulty among the whole of the non-official world to find a person with sufficient detachment and breadth of view to take a share in selection?—As I say, it is difficult to find the man, but I would be quite content to leave the matter in the hands of the Indian executive member.

41838. In your answer to question (88), you say that to all intents and purposes the separation of the functions of the officers of the Executive and Judicial branches of the Indian Civil Service is complete?—Yes.

41839. You see nothing to object to in the present powers exercised by District Magistrates?—Nothing.

41840. Have you, in your experience, ever come across cases in which the District Magistrate has exercised pressure on a Subordinate Magistrate in any particular case?—To convict, you mean?

41841. Yes?—No.

41842. Again, in his relations with the police, does the District Magistrate—would you say, act, on the whole, as a check or as an incentive in that direction?—I think that his influence is for good.

41843. Do you notice any tendency on the part of the District Magistrate to withdraw more and more from the immediate contact with the police under the new system of organisation?—Under present conditions the District Magistrate very seldom hears judicial appeals. As regards departmental appeals against punishments of police officers, the District Magistrate does not hear them. I think the appointment of Additional Magistrates also tends to deprive the District Magistrate of the objectionable executive powers, if there are any.

41844. And the actual police authority is largely being taken, and the tendency is more and more towards its being assumed, by the Superintendent of Police?—Undoubtedly. Specially with the appointments of Inspectors-General who are police officers, I think, in time, there will be hostility between the police and the District Magistrate.

41845. Where you have an Additional District Magistrate, the operation is going on, as it were, in a double direction?—Yes, I think so. In a few years we shall see the Police and the District Magistrate at logger-heads.

41846. In reference to your answer to question (99), why do you consider that the time-scale is objectionable?—A man has only got to serve for a number of years to get a certain amount of pay. That is the whole objection.

41847. If you have a separate time scale for each particular class of officers with selection between each class, would you not retain all the conditions of the present system and at the same time get over the difficulties of block in promotion?—I do not see how it is going to be worked. If there is to be any promotion for capacity, I do not know how the system of time scale would work.

41848. Have you seen the proposals made to us by officers who have come before us?—I have not seen them. I wanted to see Mr. Kershaw's proposal, but I have not seen it.

41849. Therefore, you are not in a position to give any opinion on it?—It is a difficult matter. I am not prepared to condemn Mr. Kershaw's proposals without thoroughly examining them.

41850. It deals specifically with this point of mitigating the danger which you apprehend?—I think in practice men of 8 years' service get the same pay. I do not think the block affects them. After 8 years a man must take his chance. If he is good he will get promotion.

41851. You have known cases in this province of officers whose emoluments have changed several times in a month?—I do not think it hits the Civil Service very hard.

41852. We have had evidence that it is a grave question in this province?—I do not know enough about this province. I know that in Eastern Bengal and in Assam there was a great cry that men of 23 years' service were not likely to be first class Collectors. I do not think that is the state of affairs here.

41853. You see that it is an evil in the Service where a considerable amount has to be made up by officers some time afterwards?—I went through the same thing when I had 8 to 10 years' service. I used to get retrenchment slips very often and I had to pay a lot of money.

41854. In reply to question (7) of the Provincial Service series you say that you are against class recruitment and you plead for efficiency as the main consideration in Government service?—Yes.

41855. May we understand whether you see any objection to the preponderance of Bengalis in this province?—No, I do not, because it is only a question of time, and it will right itself. I have seen the working of that in my own office. When I enlist men, I do not enlist them on the principle that all classes are represented in my office. I think that is a wrong principle.

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41856. Therefore, you would not confine your recruitment to the residents of the province?—Certainly not. That is bad.

41857. You are for an increase in the number of Sub-Judges and Munsifs. Would you say from your experience of the province that these officers are overworked?—I think so.

41858. Generally, do you find that the officers of the Provincial Civil Service are overworked in this province?—Generally, I think it is true of the Provincial Service.

41859. Do you find that where Additional District Magistrates and Judges have been appointed, a substantial relief has been afforded?—Oh, yes, undoubtedly.

41860. You ask for a special officer in answer to question (16) who would combine the duties of an Inspecting Judge and of the Registrar of the Appellate Side of the High Court?—Yes.

41861. To what extent, in your experience, do the Judges of the High Court personally inspect the Courts in the Mufassal?—Before I became a Judge in 1900, there had been no inspections for many years—for something like 20 years. I am not quite sure of the exact time. But about the year 1905 the High Court began to inspect. A special officer was appointed for the purpose of inspection and that was continued for five years. But now it has been stopped again, so that really we have had inspection only for five years.

41862. You regard it as important that there should be an officer definitely delegated to that purpose?—Undoubtedly.

41863. Do you think that the work will be more efficiently and speedily done?—Yes.

41864. (*Sir Murray Hananick.*) I should like to ask you a little more about the proposal of yours to send Home young officers under 30 years of age. These would be men who have served in the Provincial Service in junior appointments and these would be specially selected and sent Home?—Yes.

41865. What do you mean exactly by post-graduate study? What is the training that you would give them at Home?—When I was at Cambridge there were men who came to my College for post-graduate work; they studied for two or three years and took special degrees; it was a recognised form of education, a part of the University curriculum.

41866. What subjects would you make these men take up at Home?—I think law would be as good a subject as any, and history.

41867. You have no idea of placing them, for instance, under the special advice of the India Office and seeing that they go about and learn the working of our district councils and jails?—No.

41868. You intend them to go Home for study?—If a man is any good he will do the rest himself.

41869. For how long would you send these men Home?—Certainly for two years and if possible for three years. I think two years would enable them to get a degree.

41870. And you would give them £150 a year. You will have to give them their furlough allowance?—I assume that these men will have a little money. Most of them have. Consequently they would not object to pay the balance out of their own pocket in view of the advantages they get.

41871. Are there any considerable number of men in the Provincial Service who would be likely to be selected for appointments of this kind, but who, owing to their being strict Brahmans, could not find it an easy matter to go Home?—Not in Bengal and Bihar.

41872. We were told the other day by one Bihari Brahman witness that, in a large percentage of cases, the people he knew in Bihar would object to going Home even if they passed the simultaneous examinations?—It may be so, but my information is to the contrary.

41873. But you do not think that there would be any practical difficulty?—I do not think so.

41874. When these men come back, you would put them in district appointments, both as Judges and Collectors?—Yes.

41875. You would send them Home for both the classes?—Yes.

41876. Have you any idea of reserving a certain number of posts for the senior Provincial service men who would not go Home by way of encouragement to good work, men in the top of the Provincial Service?—I think that would be necessary, so far as the men now in employment are concerned. But my scheme would be to let the senior men know that this is only a favour, and that in time only young men would be chosen irrespective of seniority.

41877. You do not think that if you did that as a regular system you would not reduce the standard of work very much among your senior men?—You mean that men would get lazier once you pass them over. That may happen, and that happens in every service, where there is selection.

41878. You think that the prizes at the top of the Provincial Service are sufficient or would you be inclined to have a grade on Rs. 1,000 or Rs. 900 in the Provincial Service?—I would do everything to make the gradations up to the post of District Magistrate easier. If it was necessary, I would have a grade on Rs. 1,200, and taking the lowest grade of the Collector to be Rs. 1,500, I would give Rs. 1,200 to one of these provincial men.

41879. I am talking of the senior men of the Provincial Service, who would have no opportunity of ever becoming a Judge or a Collector. Would you be in favour of raising the top grade of the Provincial Service in order to give greater incentive to work for men who are not good enough to be sent Home?—Possibly that might be done. I would be in favour of it, on the same principle as that under which men get appointed to first grade Judgeships, although they are not fit to go to the High Court.

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41880. I understand that really you are very much of the opinion of a witness who came before us in Madras that the whole scheme of the Civil Service is so very abnormal and anomalous that he would not like to see anything done to perpetuate it. Your idea is that gradually the Provincial Service, as a cheaper local service, would take the place of the Indian Civil Service?—That is what I should like.

41881. (*Mr. Charubal.*) In your statement in answer to the Chairman that most of those who passed under the earlier age limit went very early or might have gone very early is only a guess, I think?—I have not worked out the figures.

41882. I know that there were some who went after graduation and after one or two years' college life here?—When the age limit was 17 to 19.

41883. When it was 19 to 21?—In my time, when the limit was 17 to 19, I do not think that there was anyone who came there after taking his degree.

41884. I do not mean a graduate, but persons who have certainly had one or two years of college life. Take the instance of Sipad Thakur, who passed when the age limit was 17 to 19, and he was certainly in the college before he left for England?—It may be so. Some men are very brilliant.

41885. Surely you do not expect that many parents in India would be able to send young lads at the ages of 11, 12 and 13 to England, in order that they should be able to appear for the Indian Civil Service competitive examination?—It is a question of fact whether they would do so or not.

41886. From what you know of India, do you think that, from the point of view of expense, many Indian parents would be able to send their children at that age?—My view is that they would not be deterred.

41887. I am not speaking about being deterred. I want to know whether you think that the country can afford—whether there will be many people who are in a position to send boys to England at the age of 11 and 12?—I am only speaking of the time when I was in England and then there were a good number of people.

41888. I ask you that question as you see the country at present?—I take it that there are some advantages to be gained if the age is reduced from 19 to 17.

41889. You think that many parents would send their boys at 15?—Yes.

41890. You think that Indian parents would be able to discover at the age of 15 that their sons would be fit and capable to pass the Indian Civil Service examination?—I do not think that they should discover that. What I want is that every parent who can afford it should send his boys for education to England at an early age.

41891. In the first place, you see that there will be many parents without means to send their children to England?—Yes.

41892. Looking at it from another point of view, the cry for the simultaneous examinations was there, when you went to England. So far as Indians are concerned, that has been their cry from the fifties?—I do not know. The last Commission was here in 1887.

41893. But the cry for the simultaneous examinations has been there for a long time before. There is no suggestion that you make, for satisfying the aspirations of Indians which call for something like the simultaneous examinations?—I think our aspiration is to learn how to administer: I have provided for it.

41894. Our aspiration, if you will permit me to put the view of those who ask for it, is that it should be open to any Indian, who has the pluck in him, to appear for the competitive examination and take his chance at it in the same way as it is open now to an English candidate to do it; that is, they claim an equal right. It is in assertion of that right that the demand for the simultaneous examination has ever been put forward. Do you satisfy that aspiration?—If that is the aspiration, I do not know that I would be willing to satisfy it.

41895. You set a great store by the training in England at a public school and University?—Yes.

41896. I gather that you are against a separate examination in India, even if it were coupled with three years' residence in England after the examination here, on the ground that young men would not be going there at an impressionable age?—Yes.

41897. You attach also some importance to that?—Yes.

41898. At the same time, the only proposal that you make is that the men should be sent about the age of 30?—Between 20 and 30.

41899. As a reasonable alternative you will see how it compares with your own suggestion. We have separate examinations and our Indian boys pass through the separate examinations, then they go to England at an impressionable age, and stay there for three years. You reject that suggestion and propose that persons who have been for 3, 4 or 5 years in the Provincial Service, enough to show their superiors that they have the stuff in them—and those candidates are about the age of 30—should be sent Home?—That is for a separate service and not for the same service. These Provincial Service men will hold listed appointments. You are confusing the two, if I may say so.

41900. You want this one-third to be assimilated with the Indian Civil Service?—They will do the work as Indian Civil Servants; but would not get promotion beyond a certain stage.

41901. You want them to be assimilated with the Indian Civil Service up to one-third and you say that is the only door that you open to them. You are opposed to the simultaneous examinations, you are opposed to the separate examinations, and you do not suggest any scholar-

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ships, and the only thing you positively propose is: we open the listed posts' door?—Yes.

41902. I was under the impression that you made that suggestion for making that one-third proportion a part and parcel of the Indian Civil Service?—No. They will still be the members of the Provincial Service, holding listed appointments.

41903. With two-thirds salary?—Yes.

41904. That is not the suggestion for giving facilities to Indians to appear for the Civil Service examination?—No, the Indian Civil Service remains as it is.

41905. You have no proposal to make so far as it may conduce towards a larger employment of Indians through the competition door or through any competitive system?—I do not quite follow you.

41906. Am I right in supposing that you have no suggestion to make for enabling Indians to enter the Indian Civil Service through any competitive test?—Except as it obtains at present.

41907. Except as it obtains at present, with the age brought down?—Yes, with the age brought down.

41908. You have no fear that it will lessen the present number of Indians?—I do not think it will.

41909. But if you look into the recent figures—I do not mean of your time—you will find that the generality of candidates who are now in England, if you take those who are now studying at Cambridge, have taken their B. A. Degree and gone to England for study for two or three years. If you take the figures for the last ten years, you will find that it is only men who have taken some degree that go and stay there, never for more than three years. To stay there for more than three years is very exceptional?—Yes.

41910. If you reduce the age from 19 to 17, you have no apprehension that the number of Indians—the class of people who now go—will be less?—I do not think on the whole that the percentage of the successful candidates would be less.

41911. I have only one or two questions more. I gather you have served as Legal Remembrancer?—Yes.

41912. Is it a part of the Legal Remembrancer's business to pass opinions and make recommendations for sanction to appeal against acquittals?—Yes.

41913. For that purpose, you get reports from District Magistrates?—From Commissioners. The Commissioner reports to the local Government and the local Government ask the Legal Remembrancer for his opinion.

41914. What is the material that comes before the Legal Remembrancer?—The reports of the Commissioner. The Commissioner reports to the local Government and the Legal Remembrancer as the legal adviser of the Government advises the Government.

41915. That is only in theory. What is the substance. Is not the substance this, that the Legal Remembrancer, before he gives his opinion, corresponds with the District Magistrate?—He never corresponds with the District Magistrate.

41916. Does the Commissioner do anything beyond forwarding the report of the District Magistrate?—He has to read the records and he generally rejects a lot of incompetent appeals and sends up only those that he thinks will stand.

41917. I do not think that is the system in the other provinces. There the District Magistrate writes direct to the Legal Remembrancer?—That is not the case here.

41918. In your experience what would be the percentage of cases you rejected in the recommendations for appeals against acquittals?—That is a very difficult question to answer. I cannot give the figures.

41919. I want your impression?—I cannot give it to you. It is very difficult to say what will be the percentage.

41920. There is only one more question. You were asked by the Chairman about the District Magistrate trying to press his view on Sub-Magistrates and you interpreted that to mean as pressing for conviction. You said that that was not so?—Yes.

41921. That is not the point. What is your impression about the belief which is held that Indian Sub-Magistrates of first, second and third classes dispose of certain cases with a view to how their decision will be regarded by their superior executive officers?—I do not think there is anything in it. I mean in "no conviction, no promotion."

41922. I am not speaking of "no conviction, no promotion." I do not think that you have understood my question?—I beg your pardon.

41923. My question is, take the cases under Abkari, Forest and Revenue Laws. In those cases, the Magistrate is both a Tahsildar and a criminal Magistrate? Do you think that the belief is not justified that these Magistrates in such cases dispose of them with an eye to how their work will be regarded by executive officers?—Speaking from the judicial records, that I have seen, I have not found that to be the case.

41924. You can very rarely find that sort of thing from looking at the records?—What other tests have I?

41925. That is what I ask you—whether that belief is, in your opinion, justified or not?—I do not think that people really believe that because the Deputy Magistrate is a subordinate to the District Magistrate, a link in the machine, therefore, he convicts with an eye to what the District Magistrate thinks. I do not think that is the case.

41926. In the reports that you spoke of, reports from the District Magistrates and reports from Commissioners, did you not often find remarks by the District Magistrate to the

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[continued.]

Commissioner against a Magistrate? Did you not see those remarks quoted in the reports which you got from the Commissioner?—Criticisms of judgments, certainly.

41927. It might be a criticism of the judgment in cases in which you do not eventually recommend sanction for appeal?—Might be.

41928. Still you think that the executive officer is not likely to form any good or bad opinion about that particular Magistrate?—It may be that in such a case the Commissioner may form an adverse opinion.

41929. That may not affect his prospects?—I do not think, as a matter of fact, it affects them. for, if one District Magistrate entertains certain opinions about an officer, it does not follow that the Government takes that view.

41930. (*Mr. Fisher.*) You propose, as I understand you, that a certain number of selected members of the Provincial Service should be taken young, sent to England, and on their return put into listed posts. Do you not expect that a system like that might cause a certain amount of discontent among the senior members of the Service, who are passed over?—That is inevitable. That is the case in every Service.

41931. You do not think that it would be a serious objection in the way of your proposals?—I do not think so. Selection is a very good thing if properly carried out.

41932. (*Mr. Madge.*) The efficiency of any public officer is dependent on the one side on the British tone that you attach so much importance to, and on the other side on the sympathetic attitude towards Indians. Have you any apprehension that taking a boy to England very early in life, might alienate him from the latter?—No.

41933. Then there is a lurid picture that has been drawn in some quarters that the mental attitude in a Magistrate is rather subjective than objective?—Yes. If you have to judge as to what is in the mind of another person, it must be subjective.

41934. It is the individual rather than the administration that has to be blamed, if there is any blame that is to be attached?—Yes. I mean that that is a general proposition which is very difficult to discuss.

41935. As regards the Statutory Civil Service do you think that the system was inherently bad or that the selections were unfortunate?—I do not like selection. I like competition. I think some competitive test should be adopted, before a candidate enters the Government service; then after that make such selection as you like.

41936. In answer to question (45) you say that you would exclude the Scotch and Irish Universities. Then you refer to Oxford or Cambridge. Is it because of the residential character of these Universities?—That is chiefly my point; and also because association with Englishmen is more advantageous to Indians than with any other race in the British Isles.

41937. You do not think that many strong men have come out from these Scotch Univer-

sities?—I would not for a moment deny that.

41938. As regards the imaginary line drawn at 8 years between superior and inferior posts, you know, of course, that there are at least some men who have been 8 years in the Service and who have not risen to Rs. 1,000?—That may be.

41939. I speak of that, with reference to your objection to the time-scale. Do you not think that if the time-scale to which you object were admitted up to Rs. 1,000 grade, it would remedy a practical evil, without having other unfortunate consequences?—I think, as a matter of practice, young Civilians get Rs. 900 at the end of their 6th or 7th year of service, so that I would not adopt the principle of a time-scale merely for the sake of Rs. 100. I think it is a vicious system in itself and I object to it. I would not sacrifice my principles simply for the sake of the extra difference of Rs. 100.

41940. (*Mr. Abdur Rahim.*) With reference to the proposal to reduce the age to 17 as a minimum for the Civil Service examination, I should like to ask you from your experience of men who passed into the Indian Civil Service in your time or shortly before or shortly after that, as to whether their careers have been successful in any large proportion. I ask this question, because arguments have been advanced against early age, that, so far as the Indians are concerned, a certain proportion of them break down afterwards?—You ask me whether any abnormal proportion of these have broken down?

41941. A fairly large, perhaps abnormal, proportion under the circumstances?—I do not think so. I know cases where Indians have broken down and I also know cases where Englishmen have broken down.

41942. That is with reference to age. I am asking you specially with reference to India?—First of all, I will take the whole and then the Indians.

41943. I should like you to confine yourself to Indians. Some have got in under the older age and some have got in under the younger age. I should like you, from your own experience of men brought in under the younger age, to tell me as to how they fared?—I know two.

41944. I do not want names?—I am only thinking myself. Out of the total number who got in between the ages of 17 and 19, the total number who broke down is two; that is two out of 8 to 10 Indians. The two that broke down are included in the total number.

41945. Two broke down completely?—Yes.

41946. As regards the others, is there any proportion of them, who are less efficient than the rest?—I think the others are quite as good as the average.

41947. The next question in this connection that I should like to ask you is this: as regards Indians going to England at the age of 13, I think, in your time, if I am not mistaken, those who went there at that age were those whose families went to England?—Not all.

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[continued.]

41948. Mostly I should think?—I do not say that.

41949. Their parents had been there?—There are some candidates whose parents were not there.

41950. With some it may be the case, but mostly it was the case that the parents settled down there for the time being?—It is very difficult to say exactly. I fancy that there were more whose parents were there, than those whose parents were not there.

41951. That makes it rather difficult for Indians. If Indian boys of 13 have to be properly looked after, it is desirable that their guardians should be there?—Facilities are now greater. It is no doubt a hardship to go there; but I think under the present circumstances, I would rather face that hardship.

41952. You would not advise, having regard to the other conditions that I have spoken of, that parents of boys of that tender age should risk sending their children, supposing they could not provide for proper guardianship?—As I say, all these things are much easier than they were even in my time. If the question of guardianship was where it was 20 years ago, still I think I would face the difficulty.

41953. Am I right in supposing that there are fewer families from Bengal now settled down in London than in your time; at any rate there is no increase?—That is because of the increase of age.

41954. You would not ascribe to that, the fact of the number of families settled down being less?—I think I would.

41955. There are other causes at work?—There may be.

41956. Am I right in supposing—there has been evidence to that effect both here and in other Presidencies—that public opinion is in favour of Civil Servants coming at a more mature age rather than at a less mature age?—You think people prefer that.

41957. They think that they are more satisfactory officers in their relations with the people. I want to know whether that is not so?—It is very difficult for me to say what the prevailing opinion is. So far as I know, I do not think that the public have any definite view either one way or the other.

41958. We have evidence to that effect?—That is a matter for the Commission to judge.

41959. You are not in a position to say that there is no such opinion?—My evidence will be negative. So far as the public are concerned, they do not feel that the one is any worse than the other; that is from the public point of view. From the Service point of view, I have a very definite opinion; that the one set is very much better than the other.

41960. I am talking of public opinion, opinion of the class of people that you would come in contact with?—I would not say that the feeling in the districts is definitely on the side of the older men.

41961. You make a suggestion that they should be an Inspecting Judge and Registrar of the High Court. Is he to perform the ordinary duties of a Judge or not?—That is a matter for the High Court to settle.

41962. If the whole of his time is not occupied in inspection, he will have ordinary duties to do?—He will form part of the ordinary judicial cadre.

41963. Surely you will have no Judge doing no judicial work, but simply inspecting courts?—I think during the rains he will do judicial work, and he will tour in the cold weather.

41964. What you want is that there should be supervision over district Courts?—Also the Registrar at present is much too young an officer to have charge of the important work that he does: for instance, I would say that it requires a man of the standing of a High Court Judge to be able to pronounce on the quality of the work of Munsifs, Sub-Judges and District Judges.

41965. You mean to say that the Judges in the English Department have not got information regarding Munsifs and Sub-Judges?—Only second and third hand.

41966. So far as the Judge going on inspection is concerned, he will be able to supply the information to the High Court or to whoever the officer concerned may be, but he has to depend upon District Judges?—Yes.

41967. And upon their own experiences of work as Judges of the High Court?—When he inspects a district, I suppose he will do so in the same manner as a Commissioner inspects a district. The Commissioner stays there for 10 or 15 days. Why cannot the High Court judge do the same?

41968. I am not suggesting that he cannot do it; but it is somewhat of a novel suggestion that there should be a judge simply doing the work of inspection and doing the Registrar's work; a suggestion which does not strike me as feasible? It does not seem to me impossible of execution.

41969. The Registrar is a Ministerial officer and you would not have a Judge doing the Registrar's work?—At present, appointments of Munsifs and the grant of leave to Munsifs, practically rest with the Registrar. He sifts their qualifications and makes a report. All that I say is that, instead of an officer of 8 or 10 or 12 years' standing doing the work, it would be better to have an officer of 23 years' standing.

41970. As regards the promotion of Munsifs to Sub-Judges' places, do not the High Court decide these matters in Committee?—Yes, I suppose so, though I am not quite certain how they do it. It must be done by the English department in Committee.

41971. They do not do it at meetings of the Judges?—I do not know. How these things are done the public cannot know.

41972. It is done in the Madras High Court when all the Judges sit together at a meeting?—I do not know how the appointments are made.



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41973. Is not the procedure in Calcutta the same?—I do not know. I have not had such a sitting as yet.

41974. You have had no experience?—No.

41975. Will you tell me what would be the exact advantages you find in this system of the executive and judicial functions being combined in the District Magistrate?—I think the onus is on the other side to show the disadvantage.

41976. I want to know what the advantages are. It is not a question of pressing?—The advantage is that it exists and has done well.

41977. Can you point to any particular advantage which you contemplate?—One thing is that it would be cheaper than the other. In what way would you like me to state the advantages.

41978. What are the advantages which this system gives to administration?—The financial advantage is one; the object of the Government is to administer justice quickly and well.

41979. Will you then kindly tell me how this enables the District Magistrate and the Subordinate Magistrate to administer justice more quickly than under any other system?—I say that it satisfies requirements. I do not say that it is more satisfactory than any other system.

41980. Except the financial advantage, you cannot refer me to any special advantage of this system?—It is not for me to state the virtues of the system.

41981. It is not a question of defending or changing the system. I want to know whether there is any special advantage?—I cannot say. You are asking for "special" advantages.

41982. I want a "positive" advantage: if you like, you can have it that way?—I am afraid that it is not possible to answer in that way, because you are throwing the onus on me.

41983. Your position, as I understand it, is this: there are no particular disadvantages in the system?—I will put it in this way. I am unable to devise any better system, having regard to the finances and the condition of the country.

41984. What is the particular advantage in the condition of the country?—First of all cheapness, and secondly, the districts are administered well.

41985. You do not suggest the contrary, if there were a separation of these two functions?—I do not say that it would not be administered as well.

41986. A Judge while he is deciding a case does his best, I assume, and he is not conscious of doing anything wrong. He is doing his best honestly. As to whether the way in which he is administering justice satisfies the public or not is the question. I suppose the public opinion would, at any rate, be some index of it?—Some weight should be given to public opinion and I think that the public have a right to feel that justice is being done. They have a right to feel that.

41987. We Judges cannot claim that we are above public opinion; Judges or any officers cannot claim that, can they?—It is just as important that people should feel that justice is being done as that it should in fact be done.

41988. That is what I am putting to you. Suppose there is such an opinion in the country against the combined system and the financial difficulty is got over, would you still object to it?—No. I have only stated that this is a counsel of perfection and I am quite prepared to say that it is a good system.

41989. In what sense do you say it is a counsel of perfection. Is it impossible of attainment?—I do not mean it in any bad sense.

41990. It would be a better thing to have?—If it is possible to have it, it would be better; but I do not see any particular necessity for it.

41991. We may not see it. Many Judges do not realise that there is any dissatisfaction at the way the work is done?—Quite so.

41992. I just want to know a few facts regarding the legal work done in your office. I suppose in suits to be instituted by Government or defended by them, you are to advise the Government and this is one of the duties of the Legal Remembrancer?—Yes.

41993. In all cases or in more important cases?—No written statement or plaint can go in without my authority.

41994. Who draws up the plaints and written statements in the district?—Government pleaders.

41995. You advise the Government as to whether a suit should be instituted or defended by the Government?—First of all the Commissioner and then I.

41996. Who is the expert officer who gives the opinion?—The Legal Remembrancer.

41997. You call for information, if I am right, from the senior Government pleader or the junior Government pleader?—As the case may be.

41998. If it is important you get the opinion of the senior Government pleader; otherwise the opinion of the junior Government pleader?—Yes.

41999. In specially difficult cases, you get the opinion of the Advocate General and the Standing Counsel?—Yes.

42000. Similarly, in advising appeals in civil cases, you obtain the opinion of law officers?—Yes.

42001. In criminal cases also the procedure is the same, except that instead of the Government going to the Government pleader, senior or junior, they obtain the advice of the Deputy Legal Remembrancer in appeals against acquittals?—I do not know what it is in Calcutta. In Eastern Bengal and Assam the services of my Deputy Legal Remembrancer were required for special work, and therefore everything came to the Legal Remembrancer.

42002. In Calcutta the practice is otherwise?—We have no Deputy Legal Remembrancer in Bihar and Orissa.

42003. Where there is a Deputy Legal Remembrancer who is generally a Barrister, it

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[continued.]

is upon his advice that the Legal Remembrancer generally acts and in some cases he differs?—It may be; I do not know.

42004. Have you any experience of the Bar in this province?—A little. I was in Bihar last about 10 years ago. I served as district officer in Bihar 15 years ago.

42005. Was it as a District Judge?—As a District Collector and Joint Magistrate.

42006. You have experience here as a District Judge?—I have never been a District Judge in Bihar.

42007. I see you are strongly in favour of competition as against selection?—Yes.

42008. Right through even for promotions, I find?—I do not quite understand.

42009. What I mean is that even for promotions you would rather have a Board. You would not leave it to ordinary methods?—I would have a Board, because I think it is better for the Service to feel that it has been done by a Board.

42010. I take it that the passing over for promotions may cause a great deal of dissatisfaction in several cases in the service?—Undoubtedly.

42011. Do you think that the evil is quite as great as favouritism in the case of selections?—Wherever you have got a Service, you must face that. You cannot help it.

42012. I am putting it to you; supposing you had a Board of selection, would it not be more satisfactory than competition?—The Board of promotion will come in only after the man has entered the Government service.

42013. Why should it not be used for the purpose of selecting people for the Government service?—At present where there are very few Universities—in Bengal we have only one University—we know the University qualifications of the candidates that come up, because the standard is the same, and therefore the Board has merely to look at other qualities and it is easy for the Board to do so. But when Universities multiply, I would have competition for the purpose of entering into Government service. You could not say whether the standard of the B. A. of the Calcutta University is the same as the standard of the B. A. of the Dacca University.

42014. But surely they would be practically approximating to the same standard?—One of the main reasons for not having selection in England is that there is no recognised standard of qualifications.

42015. But otherwise you see no objection to selection being made by properly constituted Boards?—I do not like selection at all as a means of entering Government service.

42016. (Mr. Maude.) You have said in reply to question (13) that you do not recommend any separate method of recruitment for the judicial branch of the Indian Civil Service. You have given us no reason for it. Can you give us any reasons for that answer?—My reason would

be the same as I gave to the question of the separation of the judicial and executive functions. That is to say, the present system is working well and I do not see any necessity for a change.

42017. You are aware that there is a strong demand in many quarters that District and Sessions Judges should be recruited from practising lawyers?—Yes.

42018. You are not in favour of that?—No.

42019. Do you think you would get from as good a class of Judges as you do from amongst Civilians?—With the safe-guards that I have provided for training in law, I think a Civilian would be a better Judge.

42020. You are also of opinion that executive training is of great use to a judicial officer?—Absolutely essential.

42021. Do you think that a training of the same nature can be obtained by 3, 5 or 10 years' practice at the Bar as a lawyer?—No. That is the great disadvantage about it. The lawyer, I do not think is such a good Judge as a man experienced in district work.

42022. (Mr. Datta.) Do you not recommend privilege leave for provincial judicial officers on full pay?—They get the vacation.

42023. But they do not get the privilege on full pay and I ask you whether they ought to get it on full pay or not?—They get a vacation of 2½ months. I think they should get it, but there is the argument against it.

42024. They do not get 2½ months but only 33 days?—There is something to be said for not giving it to them, although I myself think that it would be a graceful concession to give them privilege leave on full pay, instead of on half pay.

42025. You know they are not given privilege on full pay, because they get vacation for 33 days. In the same way, educational officers get a long vacation, High Court officers get a long vacation?—I think I started by saying that I wanted the conditions of the Provincial Service and other services improved and that the judicial officers and executive officers are both over-worked, and if any privileges are given to them, I should not object.

42026. I put it to you in this way: educational officers get a long leave for 72 days, and High Court officers also get a long leave of 72 days, whereas provincial judicial officers get only 33 days. Under these circumstances should not judicial officers get privilege leave on full pay? Would you recommend it?—I would recommend it.

42027. I would like to ask you about question (40) which relates to superannuation pensions, whether you are satisfied with it. You say in answer to it "yes." I would put it to you in this way: you know, as a fact, that provincial judicial officers are not generally confirmed before they are 32 or 31?—I propose to alter that.

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[concluded.]

42028. It may come into effect afterwards. But at present they are not generally confirmed before 32 and by the time they attain 55 they do not complete 25 years' service. Under these circumstances should not the superannuation pensions be at 22 or 23 years' service, instead of after 25 years' service?—No. The Government has the right to demand at least 25 years' service from everyone before giving him pension.

42029. But in the circumstances in which the qualifications are demanded, they cannot put in 25 years' service?—I would not alter pension rules. But I would alter the date of admission.

42030. That would also be difficult under the present system?—I would not change the pension rules.

42031. At present a boy cannot go up for the Matriculation Examination until he is 16 and it takes 7 years to become a B. L. and 9 years to become M.A., B.L. That is, he becomes 25 years old?—I should admit a man at 25.

42032. You will dispense with 3 years' practice?—Yes, I have proposed this.

42033. If the present rules exist should not the period of service be reduced in order to enable a man to qualify himself for superannuation pension?—I could not do it. If a man likes to go into service under these conditions, it is his own look out.

42034. But he cannot put in 25 years' service?—That is his own look out. I would make it a hard and fast rule that 25 years' service should be put in before any pension could be given.

42035. (Mr. Hussain.) In answer to question (24) you say that you would like the initial pay of the judicial branch of the provincial service to be raised to at least Rs. 250?—Yes.

42036. I think you know that a Member of the Executive branch now begins on Rs. 250?—Yes.

42037. Would you like to see this inequality removed?—Yes.

42038. Would you like a similar inequality removed in the pay of the higher grades of the two services—namely, the highest pay in the judicial branch is Rs. 1,000 and in the Executive branch is Rs. 800. Would you like that inequality to be removed?—Certainly.

42039. There is one thing in this answer of yours which I confess I am not able to appreciate. You say "in fact in both branches of the Service an all-round increase of pay in the lower grades has become an urgent necessity?"—Yes.

42040. Increase of pay in the lower grades—I am not able to follow you?—For instance, I will take the Executive Branch, the pay of the grades is Rs. 250, Rs. 300, Rs. 400, Rs. 500, Rs. 600, Rs. 700 and Rs. 800?—What I say is that I should like to see that lowest pay raised—say up to Rs. 350. I should like to see Deputy Magistrates and Munsifs begin on Rs. 350 or Rs. 400, if that was possible. That is a financial question.

42041. You say "in the lower grades?"—Suppose Rs. 1,000 is the ultimate limit, I would divide it by two and would give increments to those drawing less than Rs. 500. I would begin some of these officers on Rs. 350 or Rs. 400 instead of on Rs. 250. I have not worked out the details; but the idea in my mind is that it is not possible, having regard to the dignity of the office, for a Deputy Magistrate or a Munsif to live on Rs. 250 or Rs. 200.

42042. Then I take it that you want that the initial pay of the Deputy Collectors should be raised?—Yes.

(The witness withdrew.)

(Adjourned to Lucknow.)

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## APPENDIX I.

(Referred to in Question No. 37983.)

The 15th October 1912.

No. 4449A.—The following rules for the training and examination of officers serving in the Province of Bihar and Orissa having been sanctioned by the Lieutenant-Governor in Council, and approved by the Government of India, are hereby published for general information:—

## PART A:

*Rules for the training of Probationers, Assistant Magistrates, Deputy Magistrates and Sub-Deputy Magistrates.*

1. It is the duty of the District Officers to look to the practical training of young officers placed under them, from the commencement of their official life until they acquire a practical experience of their work and qualify themselves for the exercise of higher powers by passing the prescribed examinations. District Officers are expected to take an active interest in the well-being of the young officers placed under them.

2. The following rules apply to Probationers appointed direct to the Provincial Executive Service and to the Subordinate Executive Service:—

(1) The minimum period of probation will be twelve months. Probationers shall, during their probationary service, be trained so as to get as much experience as possible in Magisterial and Revenue Courts, with a view to acquiring a knowledge of office routine. During this period they should study the Codes and the Acts to enable them to go up for their Departmental Examinations as soon as they are permitted to do so. For Probationers who are appointed in the ordinary way in the autumn this will be in October or November of the succeeding year. But officers who are appointed at other times will not be allowed to go up until twelve months have elapsed from the date of their appointment.

(2) Each Probationer will be trained in the Magisterial Department for three months, and in the Revenue Department, including (1) *Tauzi* and Government Estates, (2) Land Registration, (3) English office, (4) *Munshikhana* Registers, (5) Certificates, (6) Record-room, (7) Cess and Revaluation, (8) *Nizarat*, (9) Excise and Income-tax, (10) Treasury,\* for nine months. The amount of time spent in each Revenue Department will depend on the amount of work in that department of the particular office to which the Probationer is posted.

(3) Probationers should not take up Partition, Survey and Settlement, or Land Acquisition work. These departments form the subject of special training.

(4) The Collector should maintain a register showing, with reference to the work in his

office, the amount of time a Probationer will spend in each department.

*Training in Magisterial Work.*

(5) Probationers should, while under training in the Magisterial Department, attend the Court of a first class Magistrate, selected by the District Magistrate, during the trial of criminal cases. They should be required to prepare a full, complete, and careful record of the depositions of the witnesses and a concise summary of the evidence given. They should also be required to take notes of the arguments of the pleaders, discuss the application of the law to the facts of the cases reported by them, and write a decision. This should be done in at least six defended cases.

(6) The records of the cases prepared under Rule (5) should be submitted by the Probationer to the trying Magistrate, who should examine them with a view to see that they are intelligently prepared. He should point out any obvious mistakes. The records should also be occasionally examined by the District Magistrate or the Joint Magistrate.

(7) Probationers should be deputed to examine the various registers kept in the Criminal Courts, and to submit inspection reports according to the Inspection Manual. They should also inspect the Record-room and other Departments of the Magistrate's office according to the Manual. The inspection note should be submitted to the District Magistrate through the Deputy Magistrate in charge.

Probationers may also be deputed for miscellaneous inquiries in regard to criminal cases when the inspection of a locality or other matter is important; and they might be examined in Courts as to their reports. They might also conduct enquiries in *chaukidari* and other simple matters.

*Training in Revenue Work.*

(8) Probationers should not be required to work as clerks, or to write up registers; they should, however, prepare notes or *précis* of cases and should draft letters. They should see all the papers which go up to the Deputy Collector, and the Deputy Collector should utilise their services in any way that he can in connection with them. The Deputy Collector should see that each Probationer makes himself acquainted with the law and rules bearing on subjects dealt with and should in selected cases require him to prepare a note explaining the procedure or the reason for the action taken. In departments the work of which involves the keeping of accounts or registers, Probationers should check and initial entries made in registers, check the accounts and examine the preparation of returns. They should also inspect each department according to the Inspection Manual, and the Collector might utilize their notes of inspection for his own inspections. They should also attend inspections by senior officers.

(9) At the end of the probationary period in any department, or under any Deputy Collector, the Deputy Collector should record a note in the register referred to in Rule (4).

\* N.B.—Probationary Deputy and Sub-Deputy Collectors, while undergoing their training in Treasury work under this rule, may, as heretofore, be placed in subordinate charge of Treasuries, under rule 24 of the Rules in Part II.

stating how the Probationer has attended to his duties, and giving an opinion as to his industry and ability. This should be shown to the Collector.

(10) Probationers should keep a diary, and record briefly the work done by them daily. The diary should be submitted to the Deputy Collector under whom they are working for the time being, and should be seen periodically by the Collector.

3. As a preliminary to their passing the Departmental Examinations, Assistant Magistrates, Deputy and Sub-Deputy Magistrates, and Probationers, who are required under Rule 2 in Part B of these Rules to appear at the examination, have to prepare records\* of criminal (including sessions) cases as laid down in Rule 22 of the Rules in that Part. Assistant Magistrates are also required to receive a thorough training in the Tanzi Department and Collectorate Record-room under the special supervision of the Collector.

\* Probationers appointed direct have to prepare these records in addition to those required by Rule 2 (5).

## PART B.

### *Rules for the Conduct of the Departmental Examinations.*

## SECTION I.

### GENERAL.

1. These rules shall apply to the members of the Indian Civil Service, the Executive Branch of the Provincial Civil Service, and the Subordinate Executive Service. The rules applicable to other officers will be found in the Appendices to these rules.

2. All Assistant Magistrates, Deputy Magistrates and Collectors, and Sub-Deputy Collectors [except those who are exempted under Rules 25—27 *et seq.* or such Probationers as are debarred from appearing by Rule 2 (1) in Part A of these Rules] who may have been more than six months on duty, shall, and those who have been less than six months on duty, may, at their option, be subjected to half-yearly departmental examinations, and shall be required to pass according to the standard or standards of examination which may be applicable to them respectively in each subject, according to the rules hereinafter set forth.

3. To direct and control these departmental examinations a Central Examination Committee will be appointed by Government. It will consist of a President and of as many members (of whom one shall be Secretary) as the Government may think proper to appoint from time to time.

4. The examinations will be held at such stations as the Local Government shall from time to time direct. For the present officers stationed in Orissa will be examined at Cuttack, and all others at Patna (Bankipore).

5. The Central Examination Committee may, on sufficient cause being shown, permit the appearance of an officer for examination at a station other than that at which, under

ordinary circumstances, he would be required to present himself.

6. The examinations will be conducted, under the instructions of the Central Committee, by Local Committees to be formed at the several stations at which examinations are to be held.

7. The Local Committee at each station shall consist of the Commissioner, the Collector (or Deputy Commissioner), and an Indian officer to be selected by the Commissioner. In the absence of the Commissioner, the Judge (or Judicial Commissioner) shall take his place on the Committee. In the event of the Collector being unavoidably prevented from attending, for reasons to be submitted to the President of the Local Committee in writing, the Commissioner or Judge may appoint a Deputy Magistrate or other Indian officer to take the Collector's place on the Committee.

8. The Government will, in communication with the Central Committee, fix the dates for the half-yearly examination, which shall be the same for every district. The first half-yearly examination will usually be held in the month of April or May, and the second in the month of October or November.

9. Each Divisional Commissioner shall report to the Chief Secretary the names of intending examinees at least one month before the date of examination, specifying at which centre each is to attend. Heads of Departments will, in the same way, notify to the Chief Secretary the names of intending examinees in their respective departments.

10. The Chief Secretary to Government, after collecting all the lists, will prepare a complete list of all officers liable to appear at the examination, and forward a general list to the Secretary to the Central Examination Committee, at least three weeks before the examination, and extracts to the Presidents of the Local Committees.

11. It shall be the duty of the Central Committee to prepare, previous to each half-yearly examination, sets of questions to be put to the examinees, to forward a sufficient number of copies of each of such sets to the President of each Local Committee in a sealed packet, to determine the order in which the examination in each paper and subject shall be held, and to arrange all other details for the conduct of the examinations. The time fixed for each paper shall be notified in the *Bihar and Orissa Gazette*. The Central Committee shall, from time to time, lay down rules for the guidance of the Local Committees, in order to ensure a fair and uniform method of ascertaining the proficiency of the examinees in each subject.

12. The sealed packet of papers shall remain in the custody of the President of the Local Examination Committee, who shall not open it until the time of examination. The Committee shall superintend the written examination of the examinees only so far as may be necessary to ensure its being conducted with proper strictness. They shall not examine the written answers, but shall forward them to the Central Committee with a statement specifying the marks which they assign to

candidates for conversational proficiency in the vernacular, in regard to which their decision shall be final.

13. The Central Committee, after perusing the examination papers and the opinion of the Legal Remembrancer on the record of cases prepared by officers under Rule 22 of these Rules, shall report to Government the names of such officers as, in their opinion, have passed, noticing specially, in the order of merit, those who may have passed with distinction. They shall also report the names of those officers who have succeeded in some of the subjects only, and also of those who have not, in the opinion of the Legal Remembrancer, prepared the record of cases satisfactorily, or who have been allowed to appear at the examination, but have still to submit the record before they can be adjudged to have passed. The certificate of treasury training required of examinees in Accounts under Rule 24 should also be submitted to Government with the results of the examination.

## SECTION II.

### SUBJECTS AND STANDARDS OF EXAMINATION.

#### A.—LANGUAGES.

14. The vernacular languages in which examinations will be held are Hindi, Uriya, and Bengali.

15. There will be two standards—the Lower and the Higher—and a candidate must, except as hereinafter provided, pass by the Lower Standard before he can appear at the examination by the Higher.

16. (1) The following are the text-books\* prescribed for the examination:—

*N.B.*—The course for the Lower Standard will ordinarily be 200 to 300 pages and the course for the Higher Standard will not ordinarily exceed 400 pages. The books or portion of books selected for each examination will be duly notified.

#### HINDI TEXT-BOOKS.

##### *Lower Standard.*

1. Pincott's translation of "Sakuntala" (102 pages).
2. The prose portion of the "Sangrah Shiromani" (68 pages), published by the Indian Press, Allahabad.

##### *Higher Standard.*

1. "Swarnalata," translated by Radha Krishna Das, and published by Ramkrishna Varma, Bharat Jiwan Press, Benares (336 pages).
2. "Adh Khila Phul," by Pandit Ayo-dhya Sinha Upadhyaya (176 pages), published by the Kharga Vilas Press, Bankipore.
3. "Mudra Rakshas," by Harischandra, published by the Kharga Vilas Press, Bankipore (131 pages).

\* *N.B.*—The change in text-books will not have effect till after the examination to be held in November 1912, at which the books or portions of books prescribed by the Government of Bengal for the last examinations will be used.

#### URIYA TEXT-BOOKS.

##### *Lower Standard.*

1. "Katha Lahari," by Raghabanand Das (145 pages).
2. "Chhaman Athagunth," by Fakir-mohan Senapati (180 pages).

##### *Higher Standard.*

1. "Bibasini," by Ram Sankar Ray (188 pages).
2. "Kanchikaberi," by Ram Sankar Ray (75 pages).
3. "Bhagbat Tung," by Durmuk Sarma (138 pages).

#### BENGALI TEXT-BOOKS.

##### *Lower Standard.*

1. "Upakatha," by Jnanendra Shashi Gupta (338 pages).
2. "Nutan Ginni," by Jaladhar Sen (117 pages).

##### *Higher Standard.*

1. "Yugantar," by Sibnath Shastri (Story) (296 pages).
2. "Torubala," by Amrita Lal Bose (147 pages).
3. "Galpa Guchchha," by Rabindra Nath Tagore (Part I, 448 pages, Part II, 481 pages).
4. "Swarnalata," by Tarak Nath Ganguli (259 pages).
5. "Muchiram Gurer Jiban Charitra," by Bankim Chandra Chatterji (47 pages).
6. "Radharani," by Bankim Chandra Chatterji (65 pages).
7. "Yugalanguria," by Bankim Chandra Chatterji (50 pages).

(2) The following are the tests prescribed for the two standards of examination:—

#### *I.—The Higher Standard.*

*A.*—Transliteration. Reading current handwriting in the vernacular.

A document of the more difficult description of office papers, selected and lithographed by the Central Examination Committee, shall be transliterated into the Roman character according to the system prescribed in the circular order of the Bengal Central Examination Committee No. 254, dated the 3rd November 1902. Special marks will be assigned for the correct use of this system.

*B.*—A written translation from the vernacular into English.

The paper shall contain passages both from the prescribed text-books and from an unseen official document. The passage selected from the latter should be a brief one.

*C.*—A written translation from English into the vernacular.\*

(2) Passages translated into English from the text-books by the Central Examination Committee shall be retranslated into the vernacular by the examinee.

\* The Hindi books prescribed are in the Devanagiri character, but the candidate should write in Kāthī and the official document for translation and transliteration will be in that script.



- (iv) A brief passage from an English judgment or other official document of a somewhat difficult nature, selected by the Central Examination Committee, shall be translated into the vernacular by the examinee without assistance and in a generally correct manner.

D.—*Vidā voce* examination in the vernacular.

- (i) The examinee shall be tested in conversation with several Indians of various classes in such a manner as to satisfy the Local Committee of his power to make himself understood by them and to explain himself with clearness and sufficient propriety in the vernacular in an argument or topic of some difficulty. The text-books may furnish topics for conversation.
- (ii) The examinee shall be made to translate orally to the Local Committee a passage from one of the text-books, the passage to be translated being first read out by him in the vernacular.
- (iii) An ordinary piece of English narrative prose, e.g., the deposition of a witness shall also be handed to him, and after being allowed to read it through he shall be required forthwith to give a fluent oral translation of it.

NOTE.—In the oral translation it is essential that the candidate should show his ability to give what to a Native listener would be an intelligent version of the piece set; literal accuracy need not be insisted on, but a substantially correct rendering of all points should be required. It is not necessary that each candidate should translate the same piece, just as it is not necessary that the *vidā voce* examination of each should involve the same conversation.

(3) The maximum and the pass marks assigned to each branch of the examination and the time allowed for the papers are subjoined:—

Subjects of examination.	Maximum marks.	Pass marks.	Time
1	2	3	4
1. Transliteration . . .	20	10	1 hour.
2. Translation from vernacular.	20	10	2 hours.
3. Translation from English.	20	10	2 do
4. <i>Vidā voce</i> examination, Part (i).	20	10	20 minutes.
5. <i>Vidā voce</i> examination, Part (ii).	10	5	
6. <i>Vidā voce</i> examination, Part (iii).	10	5	

#### II.—The Lower Standard.

(4) For this examination the tests shall be the same as the above, but the papers should be less difficult. The proportion of marks to be obtained in order to pass, and the time

allowed for the papers, shall be the same as for the Higher Standard above described.

#### B.—LAW.

17. The examination in Law shall be directed as far as may be feasible to points which frequently arise in practical work; and the papers to be answered with the aid of books shall be such as will thoroughly test the capacity of the examinees to understand the bearing of facts and to ascertain the law and apply it. The questions should be confined as much as possible to cases commonly arising in the ordinary routine of the office of a Magistrate and Collector. Certain facts of probable occurrence in real practice should be stated, and the examinee required to find and apply the law applicable to such facts. Only unannotated editions of Acts or Codes and Manuals issued by authority will be allowed in answering this paper.

18. For the purpose of the examination of these officers, Law is subdivided into the following two parts:—

I. Criminal and Civil Law, and the Law of Evidence.

II. Revenue Law.

19. There will be four sets of question papers in the examination in Law, *viz.*, one in each part to be answered with, and another without, the aid of books.

20. The scale of marks fixed and the time allowed are as follows:—

Subject of examination.	Maximum marks.	Number of marks required to pass by the		Time allowed
		Lower Standard.	Higher Standard.	
1	2	3	4	5
Without books . . .	160	80	100	Hours.
With books . . .	150	*	170	2 3

\* *N.B.*—No officer will be deemed to have passed by the Higher Standard in either part, unless at the same examination he obtains at least 100 marks in the examination with, and also in that without, books.

21. The Acts and Regulations from which questions will be set are shown below:—

#### LAWS AND REGULATIONS IN THE EXAMINATION WITHOUT BOOKS.

##### PART I.—CRIMINAL AND CIVIL LAW AND THE LAW OF EVIDENCE.

Serial No	Act.	Subject or short title
1	Act XLV of 1860 .	The Indian Penal Code, Chapters 2, 3, 5 and 8, and definitions of all offences.
2	Act I of 1872 .	The Indian Evidence Act, omitting Chapters VIII and X.
3	Act V of 1898 .	The Code of Criminal Procedure, Chapters 4, 9, 15, 21, and 24-26.
4	Act V of 1861 .	The Police Act.
5	Act VI (B.C.) of 1870.	The Village Chaukidari Act
And all amending Acts.		

\* Officers are not required to pass by the Lower Standard in the paper with books.

## PART II.—REVENUE LAW.

Serial No	Regulation or Act	Subject or short title
6	Regulation I of 1793	The Bengal Permanent Settlement Regulation
7	Regulation VII of 1822	The Bengal Land Revenue Settlement Regulations
8	Regulation IX of 1825	
9	Regulation XI of 1825	
10	Act IX of 1847	Alluvion and Diluvion Regulations and Acts
11	Act XXXI of 1858	
12	Act IV (B C) of 1868	
13	Act XI of 1859	The Bengal Land Revenue Sales Acts
14	Act VII of 1868	The Bengal Tenancy Act (omitting Chapters X, XII, XIII, XIII A, XIV, XVI and XVII)
15	Act VIII of 1885	
16	Act I (B C) of 1895	The Public Demands Recovery Act
And all amending Acts		

## LAWS AND REGULATIONS IN WHICH THE EXAMINATION WILL BE WITH BOOKS

## PART I.—CRIMINAL AND CIVIL LAW AND THE LAW OF EVIDENCE

## Acts of the Governor-General in Council.

Serial No.	Regulation or Act.	Subject or short title
1	Act XIV of 1860	The Indian Penal Code
2	Act XIII of 1859	The Workman's Breach of Contract Act
3	Act IV of 1909	The Whipping Act
4	Act I of 1871	The Cattle Trespass Act
5	Act I of 1872	The Indian Evidence Act
6	Act X of 1873	The Indian Oaths Act
7	Act XI of 1873	The Indian Arms Act
8	Act XVIII of 1879	The Legal Practitioners Act
9	Act XVIII of 1891	The Bankers' Books Evidence Act
10	Act VIII of 1897	The Reformatory Schools Act
11	Act V of 1893	The Code of Criminal Procedure
12	Act IX of 1872	The Indian Contract Act
13	Act XVI of 1908	The Registration Act
14	Act V of 1903	The Code of Civil Procedure
15	Act XVII of 1850	The Judicial Officers Protection Act
16	Act VII of 1870	The Court Fees Act
17	Act VI of 1908	The Explosive Substances Act
18	Act XIV of 1903	The Indian Criminal Law Amendment Act
And all amending Acts		

## Bengal Acts.

19	Act III of 1885	The Bengal Local Self-Government Act
20	Act II of 1869	The Private Fisheries Protection Act
21	Act I of 1885	The Ferries Act
22	Act III of 1884	The Bengal Municipal Act
And all amending Acts		

## PART II.—REVENUE LAW.

## Regulations.

Serial No.	Regulation or Act	Subject or short title
23	Regulation I of 1793	The Bengal Permanent Settlement Regulation
24	Regulation VI of 1793	The Bengal Decennial Settlement Regulation
25	Regulation II of 1819	The Bengal Land Revenue Assessment (Resumed) Land Regulations
26	Regulation III of 1828	
27	Regulation VIII of 1819	The Bengal Patni Tanks Regulation
28	Regulation VII of 1822	The Bengal Land Revenue Settlement Regulations
29	Regulation IX of 1825	
30	Regulation IX of 1833	The Bengal Alluvion and Diluvion Regulation.
31	Regulation XI of 1825	
32	Regulation XII of 1817	Patwaris
Regulation I of 1819		Kanungos and Patwaris

## Acts of the Governor-General in Council.

Serial No	Regulation or Act	Subject or short title
31	Act IX of 1847	The Alluvion and Diluvion Acts
32	Act XXXI of 1858	
36	Act XI of 1859	The Bengal Land Revenue Sales Act
37	Act I of 1878	The Opium Act
38	Act XIX of 1883	The Land Improvement Loans Act
39	Act XII of 1884	The Agriculturists' Loans Act
40	Act VIII of 1885*	The Bengal Tenancy Act
41	Act I of 1890	The Bengal Recovery Act
42	Act I of 1891	The Land Acquisition Act
43	Act II of 1899	The Indian Stamp Act
44	Act XXXII of 1855	The Embankments Act
45	Act X of 1897	The General Clauses Act
And all amending Acts		

\* One question at least should always be set on Chapter X of this Act.—

## Bengal Acts.

46	Act IV of 1863	The Alluvion Act
47	Act VII of 1868	The Revenue Sales Act
48	Act VIII of 1865	The Bengal Rent Recovery (Under-Tenures) Act
49	Act V of 1875	The Bengal Survey Act
50	Act VII of 1876	The Land Registration Act.
51	Act V of 1909	The Bengal Excise Act
52	Act IX of 1880	The Cess Act
53	Act I of 1895	The Public Demands Recovery Act
54	Act V of 1897	The Estates Partition Act
55	Act VII of 1896	The Bengal Embankment Act
56	Act IX of 1879	The Court of Wards Act
57	Act I of 1899	The General Clauses Act.
And all amending Acts*		

22. Assistant Magistrates, Deputy Magistrates, and Sub-Deputy Magistrates who are liable to examination in Law, and Probationary Deputy and Sub-Deputy Collectors who are allowed under Rule 2 to appear at any departmental examination, are required to prepare a full, complete and careful record of six cases tried by a first class Magistrate and six defended† cases tried by a Sessions Judge, to be selected for the purpose by the District Magistrate. The record should consist of (i) a summary of the evidence with notes on it, showing its admissibility and applicability to the offence charged; and (ii) notes on the procedure with reference to the codes, *e.g.*, to such matters as the rules as to cross-examination, re-examination, drawing up of charge, and taking the statement of the accused. It should be understood that value will be given to useful notes based on annotated editions of the Criminal Procedure Code, Penal Code, Evidence Act, Woodman's Digest, and recognized text-books. The record of each case should be prepared during or after attendance in Court as the trial proceeds. The District Magistrate will forward these records to the Legal Remembrancer or other officer appointed by Government, who will send a statement of his opinion on them to the Central Examination Committee for consideration and submission to Government with the result of each half-yearly departmental examination. If in his opinion an officer has once prepared the records satisfactorily, he will not be required to do so again, even although he may not be adjudged to have passed in law; but if

† The phrase "defended cases tried by a Sessions Judge" should be read as including appellate cases, but three at least of the cases to be reported on should be regular sessions trials. In the South Parganas, cases of appeals from first class Magistrates heard by the Deputy Commissioner should be substituted for appellate cases of a Sessions Judge.

he fails at any examination to prepare a satisfactory record he will be adjudged to have failed in law, although he may have gained pass marks in the papers on the Codes and the Acts. Anyone who for good reason has been unable to prepare the record as required by this rule may, with the previous sanction of Government, present himself for examination, but he will not be adjudged to have passed in law until he has submitted records to the satisfaction of the Committee.

#### C.—ACCOUNTS.

23. The examination in Accounts will be of one standard and *mutatis mutandis* the instructions in Rule 17 apply to it. Only one paper will be set. The questions which will be confined to the books named in the subjoined list will be of a practical character, and will be framed so as to test the examinee's knowledge of account principles and his ability to apply his knowledge to concrete cases. The candidates will be allowed the use of the books, but, except in the case of the Civil Account Code, without their indices. The time allowed will be three hours. The maximum marks will be 150 and those who obtain 90 or upwards, will be deemed to have passed—

- (a) The Civil Account Code, Volume I, Chapters 1 to 6, 10, 15, 17 to 20, 29, 30 and Appendix K.
- (b) The Subdivisional Treasury Rules.
- (c) The Rules of Account for Judicial Officers prescribed by the High Court.
- (d) The Bengal Treasury Manual.
- (e) The Local Fund Rules.

Every Assistant Magistrate, Deputy Magistrate and Sub-Deputy Collector shall undergo a training in treasury work, and shall for that purpose be placed in charge of a district treasury, under the general supervision of the Deputy Collector ordinarily in charge, for a period of not less than six weeks continuously. He will not be held to have passed the examination in Accounts until the Collector of the district, to which he is attached, shall have furnished a certificate that he has, under the above provisions, duly attended to, and satisfactorily discharged, the duties of treasury officer for the prescribed period of six weeks, within one year prior to the date on which he appeared for the examination in Accounts. The Collector will see that this certificate is forwarded to the Central Examination Committee at each Departmental Examination.\*

### SECTION III.

#### LIABILITY OF OFFICERS TO EXAMINATION.

##### A.—GENERAL.

24. An officer who has passed completely by the higher standard under the rules hitherto in force will not be liable to examination under these rules, except as hereinafter provided.

25. An officer who, under the rules hitherto in force, has passed partly by the higher standard or completely or partly by the lower standard, will be regarded as having passed by the corresponding standard in the corresponding subjects under these rules, and as liable to ex-

amination in all other respects as if he had come under these rules from the commencement of his service, provided that an officer who has passed under the rules hitherto in force by the lower standard in Accounts, shall not be required to pass the examination in Accounts under these rules.

26. An officer who succeeds in passing by either standard in a language or by either standard or part of a standard in Law shall not again be required to present himself for examination by the same standard or part of a standard in any subject in which he has been successful, but only in the subject or subjects in which he has failed.

27. An officer otherwise liable to examination in a vernacular will be exempted on producing a certificate that he has passed in the language,\* which he has to offer, at the Matriculation or such other examination as in the opinion of the President of the Central Examination Committee is equal or superior to it. Subject to the above proviso all officers are required to pass by the language examination according to the following rules:—

(1) An officer posted on first appointment to Bihar or Chota Nagpur must pass in Hindi, both by the lower and higher standards.

(2) An officer so posted to Orissa must pass in Uriya, both by the lower and higher standards, and in Hindi by the lower standard.

(3) An officer transferred from another part of the province to Orissa, if he has less than twelve years' service but not otherwise, must pass in Uriya within two years of his transfer. If he has already passed in Hindi by the higher standard, he may proceed direct to the examination in Uriya by that standard, but otherwise he must pass in it by both standards.

(4) An officer similarly transferred from Orissa, if he has less than twelve years' service, must pass in Hindi within two years of his transfer. If he has passed in Uriya by the higher standard, he may proceed direct to the examination of Hindi by that standard. Otherwise he must first pass in it by the lower standard, unless he has already done so.

(5) An officer transferred to or from Orissa before he has passed the language examinations, to which he was previously liable, will be required to pass only in those prescribed in clauses (3) and (4) above. If subsequently retransferred, his case will be governed by the same clauses.

(6) Officers with less than twelve years' service who are transferred to districts or subdivisions† where Bengali is the sole or one of the court languages will be required to pass in it by the higher standard within two years of their arrival.

(7) The penalty for failure to pass within the periods prescribed above will in each case be stoppage of promotion until the examination is passed.

28. The penalty for delay in passing, imposed under these and the succeeding rules, will ordinarily cease to operate when the officer passes. On passing, he will be placed in the

\* For the purpose of this rule Urdu and Hindi are distinct languages.

† These are the Manbhurn district and the Kishanganj, Pakaur and Jantara subdivisions.

same position with regard to future promotion as if he had passed in the ordinary course. But this does not cancel penalties incurred under the rules hitherto in force.

**B.—SPECIAL RULES AFFECTING THE MEMBERS OF THE INDIAN CIVIL SERVICE.**

29. All officers of the Indian Civil Service save and except those referred to in Rules 24 and 25 will be liable to examination in languages under the rules in sub-section A above, as also in Law and Accounts.

30. An officer who has passed by the lower standard in the language of his district and in Part I of Law, will, after he has exercised the powers of a Magistrate of the third class for a period of six months, ordinarily be vested with the powers of a Magistrate of the second class and of a Deputy Collector, and will be allowed to draw pay at the rate of Rs. 450 a month.

When he has passed completely by the higher standard in Law, he may, after he has exercised the powers of a Magistrate of the second class for a period of six months, if the Commissioner so recommends, be vested with the powers of a Magistrate of the first class, and be allowed to draw pay at the rate of Rs. 500 a month, but will not be eligible to officiate as a Joint-Magistrate until he has passed in the language of his district by the higher standard and in Accounts.

31. An officer of the Indian Civil Service who, in conformity with the requirements of Rule 27 of these rules, has passed in all the three vernacular languages of the province, will be entitled to a reward of Rs. 500.

32. An officer of the Indian Civil Service will be permitted to present himself for examination by both the higher and lower standards of the language examination at the same time. If he passes in either of the papers, he will be held to have qualified by the lower standard, but pass-marks must be obtained in both sets of papers to qualify for the higher standard. No other officer shall be permitted to offer himself for examination by both standards of the same language at one examination.

**C.—SPECIAL RULES AFFECTING THE MEMBERS OF THE EXECUTIVE BRANCH OF THE PROVINCIAL CIVIL SERVICE AND THE SUBORDINATE EXECUTIVE SERVICE.**

33. These officers, except as provided in Rules 24 and 25, will, unless specially exempted by Government, be liable to the same examination in Law, Languages and Accounts as members of the Indian Civil Service.

34. An officer liable to examination under Rule 33, who has passed in Accounts by the lower standard in Law and, if liable to examination in a language,\* by the lower standard in that language, will be eligible for confirmation in the lowest grade of his service, or in that to which he was, on first appointment, admitted. When he has exercised the powers of a Magistrate of the third class for a period of six months, he may, if recommend-

ed, be vested with the powers of a Magistrate of the second class.

35. An officer who has also passed by the higher standard in Law and in any one language in which he is liable to be examined, and who has exercised the powers of a Magistrate of the second class for a period of six months, may, if he is so recommended, be vested with the powers of a Magistrate of the first class: he will then be eligible for promotion to a higher grade.

36. An officer, who is liable to examination in Hindi or Uriya by the higher standard, will not, until he has passed, be promoted to any grade higher than the penultimate grade of his service or the grade above that to which he was first appointed.

37. Subject to the above rules all officers who may be eligible for confirmation or promotion will, unless considered unfit for other reasons, be confirmed or promoted in order of seniority if vacancies are available.

38. Any officer who does not pass completely by the lower standard within two years of his first appointment as a probationer, will be liable to be removed, unless it shall be shown that any special circumstances entitle him to consideration; and, if he does not pass within a year subsequently, unless prevented by sickness or other circumstance beyond his control, he will, without fail, be removed from the service. Officers will be expected to pass by the higher standard within four years of their first appointment as probationers; if they fail to do so, they will render themselves liable to removal from the public service.

39. Any member of the Provincial or the Subordinate Executive Service who becomes liable to examination in a third vernacular language under Rule 27 of these rules will, on passing it, be eligible for a reward of Rs. 180.

**SECTION IV**

**MISCELLANEOUS.**

40. Officers attending these examinations will be allowed travelling allowance, subject to the rules laid down in Section IV, Chapter LIV of the Civil Service Regulations.

41. No application from any junior officer liable to examination for privilege leave, or leave on private affairs, will be entertained if the following half-yearly examination takes place before the expiry of the leave applied for, unless the application specifies that the applicant will attend the examination.

42. If an application for leave is made in such a case and the application is submitted

† 1. In the case of officers admitted to the service as Probationers before May 1911 or as substantive *pro tempore* officers before May 1912, the time limit for passing the Departmental Examination will be the same as that prescribed at the time of their admission. To others, the rules now published will apply.

2. In the case of officers who may hereafter be admitted to the service as substantive *pro tempore* officers of any grade, or in the case of officers in Government service, who may hereafter be admitted as Probationers, the rules now published will apply subject to the modification that the ordinary time limit will be one year for passing the lower standard examination and three years for the higher standard.

3. For the purpose of this rule Accounts will be treated as a lower standard examination.

\* This does not apply to Hindi in the case of officers posted to Orissa who are liable to examination in Hindi by the lower standard as well as in Uriya.

to Government, it should be stated that the officer is liable to pass an examination, and that the next examination will be held within the period of the leave applied for. This will enable Government to decide whether, for the reasons stated, the leave should be granted; and, if so, on what conditions.

43. These rules do not include examinations in tribal languages for passing in which a special reward is given under the rules in Part C.

## PART C.

### *Rules for the Encouragement of the Study of the Tribal Languages.*

1. Examinations will be conducted in the following tribal languages:—

Group I.—Ho, Mundari, Santali.

„ II.—Oraon, Rajmahal Paharia.

„ III.—Khond.

„ IV.—Nepalese Paharia or Khas Kura.

2. Officers of the following classes, whether European or Indian, shall be eligible to appear at these examinations and draw the rewards stated:—

#### *Class I.*

Members of the Indian Civil Service.  
Members of the Executive Branch of the Provincial Civil Service.  
Members of the Judicial Branch of the Provincial Civil Service.  
Superintendents, Assistant and Deputy Superintendents of Police.  
Civil Surgeons and Civil Medical Officers.

Deputy, Assistant, Extra Deputy and Extra Assistant Conservators of Forests.

Executive and Assistant Engineers.  
Members of the Indian or Provincial Educational Service.

The rewards for officers of Class I are as follows:—

Rs. 1,000 in the case of all the languages specified, except Nepalese Paharia, for passing in which the reward will be Rs. 500.

#### *Class II.*

Members of the Subordinate Executive Service.

Inspectors and Sub-Inspectors of Police.  
Civil and Military Assistant Surgeons.

Members of the Subordinate and Lower Subordinate Educational Services.

Overseers, Supervisors and Sub-Engineers of the Public Works Department.

The rewards for officers of Class II are as follows:—

For officers whose salary is Rs. 150 or over, half the amount prescribed for Class I.

For officers whose salary is less than Rs. 150, one quarter of the amount prescribed for Class I.

3. An officer desiring to appear at an examination shall apply for permission to the Commissioner of the division in which he is serving, who may grant permission provided

that he can certify that the language is spoken within the district where the officer is employed at the time, or by tribes conterminous to it with whom he has official relations:

Provided that an officer who has fulfilled the above condition and is subsequently transferred may be permitted to present himself for examination on applying within one year from the date of such transfer, the Commissioner of the Division from which he was transferred granting the necessary certificate.

4. In the case of officers of the Provincial Judicial Service, the certificate referred to in Rule 3 will be furnished by the Judicial Commissioner of Chota Nagpur or the District Judge. All applications for permission to appear at an examination under this rule should be submitted to the Commissioner of the Division through the Judicial Commissioner or the District Judge who will obtain the sanction of the High Court.

5. No reward will be given—

(1) to any officer for proficiency in a second language of the same group:

(2) to an Indian officer for passing an examination in any language with which from his birth or education he is naturally familiar, or which is closely allied to his vernacular language:

Provided that such officers may be permitted to present themselves for examination.

6. The examinations will be conducted under the control of the Commissioners of the Bhagalpur, Chota Nagpur and Orissa Divisions, as noted below, who will convene local committees for the purpose—

Commissioner of Bhagalpur	{	Group	I.—Santali.
		„	II.—Rajmahal Paharia.
Commissioner of Chota Nagpur	{	„	IV.—Nepalese Paharia.
		„	I.—Ho and Mundari.
Commissioner of Orissa	{	„	II.—Oraon.
		„	III.—Khond.

7. The tests which a candidate must undergo are as follows:—

(a) He must be able to converse freely with the people of the tribe, in whose vernacular he may wish to qualify, to understand and to make himself understood by them.

(b) He must write down sentences spoken in the tribal language by one of the tribe or a conversation held between two of them, and must explain the sentences of the conversation correctly in English.

(c) He must, without assistance translate from English or his mother tongue into the tribal language sentences not of a more difficult nature than those described in clause (b). The translation must be substantially correct and intelligible to a native in whose language it is written.

*N.B.*—In the case of Khas Kura the writing prescribed in clause (b) and (c) must be in the Hindi character. For Santali and Rajmahal Paharia the Roman character must be used and for the other languages either that character or Bengali or Hindi.

(d) In the case of Khas Kura, he must transliterate and translate into English a paper in the current written (not printed) form of character of the language.

8. In order to qualify for the prescribed reward an examinee must obtain not less than half the marks allotted to each branch of the examination and two-thirds of the aggregate number.

9. The Commissioner conducting the examination will report to Government the names

of officers declared by the examining Committee to have passed the prescribed standard.

H. LEMESURIER,  
Chief Secy. to the Govt.  
of Bihar and Orissa.

## APPENDIX II.

(Referred to in Question No. 38151.)

The 5th December 1912.

No. 5452A.—In supersession of the orders contained in the Notifications Nos. 1965A. and 3280A., dated the 4th June 1912, and the 13th August 1912, respectively, the following promotions and reversions of officers of the Indian Civil Service are notified :—

Entry No.	With effect from	Consequent on	Name.	From	To	REMARKS.
1	2	3	4	5	6	7
1	1st April 1912.	An existing vacancy in the 3rd grade of District and Sessions Judges.	Mr. G. J. Monahan	Officiating District and Sessions Judge, 3rd grade.	District and Sessions Judge, 3rd grade, sub <i>pro tem</i> .	Till 18th April 1912. From 19th April, The date of Mr. R. L. Ross' posting to Bihar and Orissa Mr. Monahan will again revert to his officiating appointment.
2	Ditto	An existing acting vacancy in the 2nd grade of Magistrates and Collectors.	Mr. A. H. Vernede	Magistrate and Collector, 3rd grade.	Officiating Magistrate and Collector, 2nd grade.	
3	Ditto	An existing vacancy in the 3rd grade of Magistrates and Collectors.	Pandit Rama Ballabh Misra.	Officiating Magistrate and Collector, 3rd grade.	Magistrate and Collector, 3rd grade, sub. <i>pro tem</i> .	
4	2nd April 1912.	The deputation to Bengal of Mr. R. Nathan, O.E., Commissioner of a Division.	Mr. W. Egerton	Officiating Commissioner, Orissa Division, in addition to his own duties as Magistrate and Collector, Cuttack.	Commissioner of a Division, sub. <i>pro tem</i>	Till 9th April 1912.
5	10th April 1912.	The appointment of Mr. C. D. A. W. Oldham as a sub. <i>pro tem</i> Commissioner of a Division.	Mr. Barendra Chandra Sen.	Magistrate and Collector, 2nd grade.	Officiating Magistrate and Collector, 1st grade.	
			Mr. J. Johnston	Magistrate and Collector, 3rd grade.	Officiating Magistrate and Collector, 2nd grade.	
			Babu Mano Mohan Ray.	Deputy Magistrate and Deputy Collector, 3rd grade.	Officiating Magistrate and Collector, 3rd grade.	From 18th April 1912 till relieved by Mr. Philip on 27th April 1912.
6	11th April 1912.	The transfer to Bengal of Mr. D. C. Patterson, Officiating Joint Magistrate and Deputy Collector, 1st grade	Mr. J. A. Sweeney	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade	
			Mr. C. Bartley			
			Mr. H. W. Williams.	Assistant Magistrate and Collector.	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
7	15th April 1912.	The transfer to Bengal of Mr. C. Bartley, Officiating Joint Magistrate and Deputy Collector, 1st grade.	Mr. T. W. Bridge	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
			Mr. H. E. Beal			
			Mr. E. H. Johnston.	Assistant Magistrate and Collector.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
8	Ditto	The departure on leave of Mr. H. McPherson, Magistrate and Collector, 1st grade, and return to duty of Mr. J. Reid, Magistrate and Collector, 3rd grade.	Mr. E. Lister	Magistrate and Collector, 2nd grade.	Officiating Magistrate and Collector, 1st grade.	
			Mr. L. E. B. Cobden-Ramsay.	Magistrate and Collector, 3rd grade.	Officiating Magistrate and Collector, 2nd grade.	
9	18th April 1912.	The appointment of Mr. A. Ahmad as Commissioner of Excise and Inspector-General of Registration.	Mr. H. K. Brascoe			
			Mr. J. F. W. James	Officiating Magistrate and Collector, 3rd grade	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
			Mr. C. L. Philip			
			Mr. A. E. Scroope	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
			Mr. T. W. Bridge			
			Mr. H. E. Beal			
			Mr. E. H. Johnston	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Assistant Magistrate and Collector.	

Entry No	With effect from	Consequent on	Name.	From	To	REMARKS.
1	2	3	4	5	6	7
10	27th April 1912.	The appointment of Mr. C. L. Philip as Officiating Magistrate and Collector, Malabar.	Mr. H. K. Eristoe . Mr. J. F. W. James.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Officiating Magistrate and Collector, 3rd grade.	
11	1st May 1912.	The appointment of Mr. A. L. Ingalls as Officiating Magistrate and Collector, Cuttack.	Mr. D. Weston . Mr. H. Coupland . Mr. J. Reid . The late Mr. P. S. Shettle. Mr. T. W. Bridge . Mr. H. E. Beal . Mr. E. H. Johnston.	Magistrate and Collector, 2nd grade. Magistrate and Collector, 3rd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade. Assistant Magistrate and Collector.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Mr. Egerton ceases to hold charge of office of Collector.
12	4th May 1912.	The departure on leave of Mr. J. T. Whitty, Officiating Magistrate and Collector, 3rd grade.	The late Mr. P. S. Shettle.	....	Officiating Magistrate and Collector, 3rd grade.	Ceases to be seconded on Settlement duty.
13	8th May 1912.	The transfer to Bengal of Mr. J. C. French, Officiating Joint Magistrate and Deputy Collector, 1st grade.	Mr. J. R. Makelg-Jones Mr. N. P. Peck .	Officiating Joint Magistrate and Deputy Collector, 2nd grade. Assistant Magistrate and Collector.	Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
14	18th May 1912.	The departure on leave of Mr. J. Johnston, Officiating Magistrate and Collector, 2nd grade.	Pandit Ramo Bal-labh Misra Mr. J. G. Drummond Mr. P. C. Tallents .	Magistrate and Collector, 3rd grade, sub <i>pro tem</i> . Officiating Joint Magistrate and Deputy Collector, 2nd grade. Assistant Magistrate and Collector.	Officiating Magistrate and Collector, 2nd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
15	17th May 1912.	The departure on leave of Mr. J. G. Drummond, Officiating Joint Magistrate and Deputy Collector, 1st grade.	Mr. W. H. Boyce . Mr. L. S. Hoernle .	Officiating Joint Magistrate and Deputy Collector, 2nd grade. Assistant Magistrate and Collector.	Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
16	24th May 1912.	The departure on leave of Mr. W. M. Crawford, Magistrate and Collector, 2nd grade.	Mr. G. Rainy, ICS	Magistrate and Collector, 3rd grade, sub. <i>pro tem</i> .	Officiating Magistrate and Collector, 2nd grade.	
17	27th May 1912	The departure on leave of Mr. J. R. Dalm, Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Mr. J. A. Saunders .	Assistant Magistrate and Collector.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
18	5th June 1912.	Deputation on special duty of Mr. H. T. S. Forrest, Magistrate and Collector, 1st grade.	Mr. W. M. Crawford (on privilege leave) Mr. F. P. Dixon . Mr. J. T. Whitty (on privilege leave) Mr. H. L. L. Allanson Mr. J. R. Dalm (on privilege leave) Mr. W. J. C. Laurie Mr. A. R. Topliss .	Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade. Assistant Magistrate and Collector.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
19	21st June 1912	The transfer to Hyderabad of Mr. H. D. G. Law, Officiating Joint Magistrate and Deputy Collector, 1st grade.	Mr. A. B. Duncan . Mr. A. P. Middleton	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	



Entry No	With effect from	Consequent on	Name	From	To	REMARKS
1	2	3	4	5	6	7
20	9th June 1912	In existing vacancy, in the 2nd grade of Joint Magistrates and Deputy Collectors	Mr A D Tuckey	Assistant Magistrate and Collector	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
21	24th June 1912	The return from leave of Mr W M Crawford, Officiating Magistrate and Collector, 1st grade	Mr T P Dixon	Officiating Magistrate and Collector, 1st grade	Magistrate and Collector, 2nd grade	
			Mr J T Whitty (on privilege leave)	Officiating Magistrate and Collector, 2nd grade	Officiating Magistrate and Collector, 3rd grade	
			Mr H L L Allan son			
22	26th June 1912	The termination of the special duty of Mr H T S Forrest Magistrate and Collector, 1st grade	Mr W M Crawford	Officiating Magistrate and Collector, 1st grade	Magistrate and Collector, 2nd grade	
			Mr G Rany	Officiating Magistrate and Collector, 2nd grade	Magistrate and Collector, 3rd grade, sub. pro tem	
			Mr A E Seroope	Officiating Magistrate and Collector, 3rd grade	Officiating Joint Magistrate and Deputy Collector, 1st grade	
			Mr A B Duncan	Officiating Joint Magistrate and Deputy Collector, 1st grade	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
			Mr A P Middleton			
			Mr A D Tuckey	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Assistant Magistrate and Collector	
23	27th June 1912	The return from leave of Mr J R Dain Officiating Joint Magistrate and Deputy Collector, 1st grade	Mr W J C Laurie	Officiating Joint Magistrate and Deputy Collector, 1st grade	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
			Mr A R Toplis	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Assistant Magistrate and Collector	
24	30th June 1912	The appointment of Mr H T S Forrest as Deputy Commissioner of Mambium	Mr W J C Laurie	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Officiating Joint Magistrate and Deputy Collector 1st grade	
			Mr G Maine	Officiating Magistrate and Collector, 3rd grade	Joint Magistrate and Deputy Collector, 2nd grade	From the 1st July 1912.
25	15th July 1912	The return of Mr R L Ross, District and Sessions Judge, 3rd grade, from leave	Mr F M Luce	Officiating District and Sessions Judge, 3rd grade	Officiating Joint Magistrate and Deputy Collector 1st grade	Up to 22nd July 1912
			Mr W J C Laurie	Officiating Joint Magistrate and Deputy Collector, 1st grade	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
			Mr J A Saunders	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Assistant Magistrate and Collector	
26	18th July 1912	The departure on leave of Mr D H Kingsford, District and Sessions Judge, 2nd grade	Mr Tej Chandra Mukherji	District and Sessions Judge 3rd grade	Officiating District and Sessions Judge, 2nd grade	
27	Ditto	The departure on leave of Mr A W Barnard Officiating Joint Magistrate and Deputy Collector, 1st grade	Mr W J C Laurie	Officiating Joint Magistrate and Deputy Collector 2nd grade	Officiating Joint Magistrate and Deputy Collector, 1st grade	
			Mr J A Saunders	Assistant Magistrate and Collector	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
28	20th July 1912	The departure on leave of Mr W J C Laurie Officiating Joint Magistrate and Deputy Collector 1st grade	Mr A B Duncan	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Officiating Joint Magistrate and Deputy Collector, 1st grade	
			Mr A P Middleton			
			Mr A R Toplis	Assistant Magistrate and Collector	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
29	23rd July 1912	The departure on leave of Mr B Foley Magistrate and Collector, 1st grade	Mr W M Crawford	Magistrate and Collector 2nd grade	Officiating Magistrate and Collector 1st grade	
			Mr G Rany	Magistrate and Collector, 3rd grade	Officiating Magistrate and Collector 2nd grade	
30	Ditto	The appointment of Mr F M Luce to act as Magistrate and Collector, 3rd grade	Mr S Klugeinstein	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Officiating Joint Magistrate and Deputy Collector, 1st grade	
			Mr A D Tuckey	Assistant Magistrate and Collector	Officiating Joint Magistrate and Deputy Collector, 2nd grade	
31	25th July 1912	The departure on leave of Mr W Williams, Officiating Joint Magistrate and Deputy Collector, 1st grade	Mr H W Williams	Officiating Joint Magistrate and Deputy Collector, 2nd grade	Officiating Joint Magistrate and Deputy Collector, 1st grade	

Entry No.	With effect from	Consequent on	Name.	From	To	REMARKS.
1	2	3	4	5	6	7
32	28th July 1912.	The appointment of Mr. J. T. Kerslaw, C.I.E., Secretary to the Government of Bihar and Orissa, to act as Commissioner of a Division.	Mr. F. P. Dixon . Mr. J. T. Whitty (on leave). Mr. H. L. L. Allanson. Mr. E. L. Tanner .	Magistrate and Collector, 2nd grade Officiating Magistrate and Collector, 3rd grade. Under Secretary to the Government of Bihar and Orissa, Financial and Municipal Departments. District and Sessions Judge, 3rd grade.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Financial Secretary.	
33	1st August 1912.	The retirement of Mr. Tej Chandra Mukherji, Officiating District and Sessions Judge, 2nd grade.	Mr. Ram Lal Datta		Officiating District and Sessions Judge, 2nd grade.	
34	Ditto	The return from leave of Mr. J. T. Whitty, Officiating Magistrate and Collector, 2nd grade.	Mr. H. L. L. Allanson.	Officiating Magistrate and Collector, 2nd grade.	Officiating Magistrate and Collector, 3rd grade.	
35	20th August 1912.	The appointment of Mr. S. B. Dhawle, Officiating Joint Magistrate and Deputy Collector, 1st grade, to act as Under-Secretary, Political, Appointment and Education Departments.	....	....	....	The acting vacancy to the 1st grade was absorbed by the return of Mr. W. J. C. Laurie, from leave on that date.
36	5th September 1912	The departure on leave of Mr. R. K. Malik, District and Sessions Judge, 2nd grade.	Mr. L. C. Adams .	District and Sessions Judge, 3rd grade.	Officiating District and Sessions Judge, 2nd grade.	
37	8th September 1912.	The transfer of Mr. S. Klingenstein, Officiating Joint Magistrate and Deputy Collector, 1st grade to Deoghar.	Mr. E. H. Johnston .	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
38	15th September 1912.	The return from leave of Mr. S. R. Hignell, Magistrate and Collector, 3rd grade.	Mr. S. R. Hignell .	Magistrate and Collector, 3rd grade	Officiating Magistrate and Collector, 2nd grade.	
39	10th September 1912.	The departure on leave of Mr. F. T. Lyall, Officiating Magistrate and Collector, 1st grade.	Mr. A. Garrett . Mr. J. T. Whitty .	Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade.	Officiating Magistrate and Collector, 3rd grade Officiating Magistrate and Collector, 1st grade.	
40	Ditto	The appointment of Mr. A. R. Middleton, Officiating Joint Magistrate, 1st grade, to act as Magistrate and Collector, 3rd grade.	Mr. N. F. Peck	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
41	23rd September 1912.	The departure on leave of Mr. J. R. Mahelg-Jones, Officiating Joint Magistrate and Deputy Collector, 1st grade.	Mr. P. C. Tallicott .	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Ditto ditto.	

H. LEMESURIER,

Chief Secretary to the Government of Bihar and Orissa.

The 27th February 1913.

No. 1062A.—The following promotions and reversions in the Indian Civil Service are notified :—

Entry No.	With effect from	Consequent on	Name.	From	To	REMARKS.
1	2	3	4	5	6	7
1	1st October 1912.	In an existing acting vacancy in the 1st grade of Joint Magistrates in which arrangement was not made before.	Mr. E. S. Hoernle .	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
2	2nd October 1912.	The departure on leave for 13 days of Mr. H. J. McIntosh, Commissioner of a Division.	Mr. F. P. Dixon .	Officiating Magistrate and Collector, 1st grade.	Officiating Commissioner of a Division in addition to his own duties.	No acting promotions in the grades of Magistrates are admissible.

Entry No.	With effect from	Consequent on	Name	From	To	REMARKS
1	2	3	4	5	6	7
3	6th October 1912.	The appointment of the Hon'ble Mr. E. H. C. Walsh as sub. <i>pro tem</i> Member, Board of Revenue.	The Hon'ble Mr. L. J. Kershaw, C.I.E.	Officiating Commissioner of a Division.	Commissioner of a Division, sub. <i>pro tem</i> .	
4	10th October 1912.	The departure on leave of Mr. H. Coupland, Officiating Magistrate and Collector, 1st grade.	Mr. W. B. Heycock. Mr. H. L. L. Allanson. Babu Jogendra Nath Sarkar.	Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade. Deputy Magistrate and Deputy Collector, 6th grade.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade.	
5	11th October 1912.	The return from leave of Mr. D. H. Kingsford, District and Sessions Judge, 2nd grade.	The Hon'ble Mr. L. C. Adams. Mr. A. E. Scroope. Mr. E. S. Hocnle.	Officiating District and Sessions Judge, 2nd grade. Officiating District and Sessions Judge, 3rd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade.	District and Sessions Judge, 3rd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade. Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
	Ditto.	The departure on leave for 4 days of Mr. P. W. Murphy, Officiating Magistrate and Collector, 3rd grade.	Babu Brajendra Nath Ray.	Deputy Magistrate and Deputy Collector, 4th grade.	Officiating Magistrate and Collector, 3rd grade.	Till 14th October 1912.
6	14th October 1912	The return from leave of Mr. J. A. Sweeney, I.C.S.	Mr. J. A. Sweeney (on Settlement duty).	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
7	15th October 1912.	The return from leave of Mr. E. Coupland, Officiating Magistrate and Collector, 1st grade.	Mr. W. B. Heycock. Mr. H. L. L. Allanson. Babu Jogendra Nath Sarkar.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade.	Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade. Deputy Magistrate and Deputy Collector, 6th grade.	
8	Ditto.	The return from leave of Mr. F. P. Lyall, Officiating Magistrate and Collector, 1st grade.	Mr. A. Garrett. Mr. J. T. Whitty. Mr. A. P. Middleton (on leave). Babu Omindra Chandra Banerji.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade. Ditto. ditto.	Magistrate and Collector, 2nd grade. Magistrate and Collector, 3rd grade, sub. <i>pro tem</i> . Officiating Joint Magistrate and Deputy Collector, 1st grade. Deputy Magistrate and Deputy Collector, 2nd grade.	
			Mr. P. C. Tallents.	Officiating Magistrate and Deputy Collector, 1st grade.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
9	Ditto.	The return from leave of Mr. D. Weston, Officiating Magistrate and Collector, 1st grade.	Mr. F. P. Dixon. Mr. G. Runy.	Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade.	Magistrate and Collector, 2nd grade. Magistrate and Collector, 3rd grade, sub. <i>pro tem</i> .	Mr. E. H. Berthoud will draw the pay of Officiating Magistrate and Collector, 3rd grade, for the period during which he was on transit to join his appointment as Officiating Magistrate and Collector, Balasore.
10	Ditto.	The return from leave of Mr. H. W. P. Scroope, Magistrate and Collector, 2nd grade.	Mr. H. W. P. Scroope. Mr. W. M. Crawford. Pandit Rama Bal-labh Misra	Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade.	Officiating Magistrate and Collector, 1st grade. Magistrate and Collector, 2nd grade. Magistrate and Collector, 3rd grade, sub. <i>pro tem</i> .	As Mr. H. L. L. Allanson, Officiating Magistrate and Collector, proceeded on leave from 15th October 1912, no reversions in the grades of Joint Magistrates are necessary.
11	Ditto.	The return from leave of Mr. J. R. Makgijones, Officiating Joint Magistrate and Deputy Collector, 1st grade.	Mr. N. F. Peck.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
12	Ditto.	The reversion of Mr. T. W. Bridge from his appointment as acting Under-Secretary, Revenue Department.	Mr. T. W. Bridge (on Settlement duty).	Officiating Under-Secretary, Revenue Department.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	His juniors were acting as Joint Magistrate and Deputy Collector, 1st grade, on that date.

Entry No.	With effect from	Consequent on	Name.	From	To	REMARKS.
1	2	3	4	5	6	7
13	16th October 1912	The return from leave of Mr. T. Luby, Assistant Magistrate and Collector.	Mr. T. Luby . . .	Assistant Magistrate and Collector.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
			Mr. E. H. Johnston	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
14	Ditto	The return from leave of Mr. B. Foley, Magistrate and Collector, 1st grade.	Mr. H. W. P. Seroope	Officiating Magistrate and Collector, 1st grade.	Magistrate and Collector, 2nd grade.	
			Mr. J. Reid . . .	Officiating Magistrate and Collector, 2nd grade.	Magistrate and Collector, 3rd grade.	
			Mr. F. M. Luce . . .	Officiating Magistrate and Collector, 3rd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	
			Mr. H. W. Williams	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	
15	28th October 1912.	The departure on leave of Mr. H. C. Streetfield, Commissioner of a Division	Mr. B. Foley . . .	Magistrate and Collector, 1st grade.	Officiating Commissioner of a Division.	
			Mr. H. W. P. Seroope	Magistrate and Collector, 2nd grade.	Officiating Magistrate and Collector, 1st grade.	
			Mr. J. Reid . . .	Magistrate and Collector, 3rd grade.	Officiating Magistrate and Collector, 2nd grade.	
			Mr. F. M. Luce . . .	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Officiating Joint Magistrate and Deputy Collector, 3rd grade.	From 20th October 1912, the date from which Mr. B. Foley was on joining time.
			Mr. H. W. Williams	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	From 20th October 1912.
16	Ditto	The deputation of Mr. G. Milne, Joint Magistrate and Deputy Collector, 2nd grade, to Cattle Survey.	....	....	....	No officer eligible to act in the 2nd grade
17	2nd November 1912.	The deputation of Mr. A. L. Seroope, Officiating Joint Magistrate and Deputy Collector, 1st grade, to special duty under the Revenue Department.	Mr. E. H. Johnston	Officiating Joint Magistrate and Deputy Collector, 2nd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	Ditto ditto.
18	9th November 1912.	The reversion of the Hon'ble Mr. L. J. Kershaw, C.I.E., sub. <i>pro tem</i> , Commissioner of a Division, to 1st grade Magistrate and Collector.	The Hon'ble Mr. W. Egerton.	Officiating Commissioner of a Division.	Commissioner of a Division, sub. <i>pro tem</i> .	Mr. H. T. S. Forrest, appointed to act as Commissioner of a Division in addition to his own duties as Deputy Commissioner, Ranchi.
			Mr. H. W. P. Seroope	Officiating Magistrate and Collector, 1st grade.	Magistrate and Collector, 2nd grade.	
			Mr. J. Reid . . .	Officiating Magistrate and Collector, 2nd grade.	Magistrate and Collector, 3rd grade.	
			Mr. E. L. Tanner . . .	Officiating Magistrate and Collector, 3rd grade.	Officiating Joint Magistrate and Deputy Collector, 1st grade.	As Mr. Tanner proceeded on settlement duty on that date, no reversions in the grades of Joint Magistrates are necessary.
19	10th November 1912	The return from leave of the Hon'ble Mr. H. McPherson, Magistrate and Collector, 1st grade.	Mr. H. Coupland . . .	Officiating Magistrate and Collector, 1st grade.	Magistrate and Collector, 2nd grade.	
			Mr. S. R. Hignell . . .	Officiating Magistrate and Collector, 2nd grade.	Magistrate and Collector, 3rd grade.	Mr. P. W. Murphy on being relieved of his appointment as Officiating Magistrate and Collector, Shahabad, on 14th November 1912, proceeded to special duty in the office of the Board of Revenue where he will draw the salary of an Officiating Magistrate and Collector, 3rd grade. There will therefore be no reversions in the grades of Joint Magistrates and Deputy Collectors.
20	18th November 1912.	The return from leave of the Hon'ble Mr. B. K. Mulla, District and Sessions Judge, 2nd grade	Mr. Ram Lal Datta . . .	Officiating District and Sessions Judge, 2nd grade	District and Sessions Judge, 3rd grade.	
			Mr. Narendra Krishna Datta.	Officiating District and Sessions Judge, 3rd grade.	Subordinate Judge, 2nd grade (also Assistant Sessions Judge).	From the afternoon of the 22nd November 1912, when he was actually relieved by the Hon'ble Mr. L. C. Adami, against whose joining time Mr. Datta continued to act from the 16th to the 22nd November 1912.
21	26th November 1912.	The appointment of the Hon'ble Mr. W. Maule as Member, Board of Revenue on return from leave.	The Hon'ble Mr. E. H. C. Walsh, C.S.I.	Member, Board of Revenue, sub. <i>pro tem</i>	Commissioner of a Division.	
			Mr. H. T. S. Forrest	Officiating Commissioner of a Division in addition as Magistrate and Collector, 1st grade.	Magistrate and Collector, 1st grade.	

Entry No.	With effect from	Consequent on	Name.	From	To	REMARKS.
1	2	3	4	5	6	7
22	2nd December 1912.	Return of the Hon'ble Mr. F. N. Fischer from leave and his appointment as Commissioner of a Division.	The Hon'ble Mr. W. Egerton. Mr. B. Foley . Mr. D. Weston . Mr. L. E. B. Cobden-Ramsay. Mr. F. M. Juce .	Commissioner of a Division sub. <i>pro tem</i> . Officiating Commissioner of a Division Officiating Magistrate and Collector, 1st grade. Officiating Magistrate and Collector, 2nd grade. Officiating Magistrate and Collector, 3rd grade.	Officiating Commissioner of a Division Magistrate and Collector, 1st grade. Magistrate and Collector, 2nd grade. Magistrate and Collector, 3rd grade. Officiating Joint Magistrate and Deputy Collector, 1st grade.	He was actually relieved on the afternoon of the 6th December 1912. He continued to act in the 3rd grade of Magistrates from the 2nd to the 6th December 1912, during the joining time of Mr. B. Foley.

H. LEMESURIER,

Chief Secretary to the Government of Bihar and Orissa.

## APPENDIX III.

*Officials, Non-officials and Associations in Bihar and Orissa who, at the request of the Royal Commission, furnished written answers to the interrogatories printed on pages v—xxviii of this volume, but who were not orally examined.*

## (a) Officials.

- (1) Hon'ble Mr. H. T. McIntosh, I.C.S., Commissioner, Bhagalpur.
- (2) Hon'ble Mr. W. Egerton, I.C.S., Commissioner, Orissa.
- (3) Hon'ble Mr. H. McPherson, I.C.S., Secretary to Government, Revenue Department.
- (4) F. F. Lyall, Esq., I.C.S., Magistrate and Collector, Muzaffarpur.
- (5) E. H. C. Walsh, Esq., I.C.S., Commissioner, Ranchi.
- (6) E. Lister, Esq., I.C.S., Deputy Commissioner, Hazaribagh.
- (7) L. C. Adams, Esq., I.C.S., Offg. Remembrancer of Legal Affairs.
- (8) L. F. Morshead, Esq., I.C.S., Inspector-General of Police.
- (9) B. A. Collins, Esq., I.C.S., Under Secretary to Government.
- (10) P. R. Roe, Esq., I.C.S., District and Sessions Judge, Patna.
- (11) T. S. Macpherson, Esq., I.C.S., Offg. District and Sessions Judge, Manbhum.
- (12) D. Weston, Esq., I.C.S., Collector, Patna.
- (13) J. T. Witty, Esq., I.C.S., Officiating Collector, Gaya.
- (14) E. L. L. Hammond, Esq., I.C.S., Registrar of Co-operative Credit Societies.
- (15) A. Ahmed, Esq., Commissioner of Excise.
- (16) J. H. Taylor, Esq., Deputy Commissioner, Angul.
- (17) Babu D. Prasad, Sub-divisional Officer, Bihar.
- (18) Moulvi M. W. Ahmad, Munsif, Begusarai.
- (19) Babu S. B. Sen, Sub-Judge, Hazaribagh.
- (20) Babu Raj Kishore, Munsif, Chapra.
- (21) Babu D. Das, Personal Assistant to the Commissioner, Cuttack.
- (22) Babu H. L. Khastagir, Personal Assistant to the Commissioner, Tirhut.
- (23) J. R. Lewis, Esq., Manager, Bettiah Estate.

## (b) Non-officials.

- (24) Rai Bahadur Gajadhar Prasad, Pleader, Bankipore.
- (25) Pandit B. Sahay, Pleader, Ranchi.
- (26) Syed Abul Barkat, Zemindar, Gaya.
- (27) T. H. Ward, Esq., Colliery Superintendent, Giridih.
- (28) Hon'ble Maharaja B. N. De, Balasore.
- (29) Babu H. P. N. Sinha, Zemindar, Patna.
- (30) E. Mylne, Esq., Behea.
- (31) Raja J. P. S. Deo.
- (32) Rai Bahadur S. C. Nark, retired Deputy Magistrate.
- (33) Khan Bahadur Syed M. Hasan, Zemindar.
- (34) Babu K. S. P. Singh, Zemindar.
- (35) Babu T. Lall, Zemindar, Bhagalpur.
- (36) A. T. Peppe, Esq., Manager, Chota Nagpur Raj.
- (37) Raja R. N. B. Deo, Kanika.
- (38) Rai Bahadur C. Sahai, Pleader, Arrah.
- (39) Babu D. Nath, Pleader, Muzaffarpur.
- (40) Khan Bahadur Saiyid N. Ahmad, Patna.
- (41) Maharaja Bahadur Sir R. P. Singh, K.C.I.E.

## (c) Associations.

- (42) Bhuihar Brahmana Sabha (Babu R. P. Sinha.)
- (43) Bhagalpur Landholders' Association (Rai Bahadur S. S. Sahai).
- (44) Bihar Landholders' Association (Moulvi S. H. Khan).

## APPENDIX IV.

*Officials, Non-officials and Associations in Bihar and Orissa who furnished written answers to the interrogatories printed on pages v—xxxviii of this volume, in response to a notification published in the Bihar and Orissa Gazette, but who were not orally examined.*

## (a) Officials.

- (1) B. Foley, Esq., I.C.S., Collector, Saran.
- (2) T. Luby, Esq., I.C.S., Sub-divisional Officer, Dhanbaid.
- (3) J. H. Price, Esq., Sub-divisional Officer, Angul.
- (4) Babu H. Bhattachariya, Deputy Magistrate, Muzaffarpur.
- (5) Babu A. C. Dutta, Munsif, Balasore.
- (6) A. W. Warde-Jones, Esq., Senior Deputy Magistrate, Purnea.
- (7) R. L. Dutt, Esq., District and Sessions Judge, Monghyr.
- (8) Babu S. N. Mukharji, Munsif, Patna.
- (9) Babu A. N. Chatarji, Munsif, Purneah.
- (10) A. J. Ollenbach, Esq., Sub-divisional Officer, Khandmals.
- (11) Babu S. S. Day, Sub-divisional Officer, Rajmahal.
- (12) Babu G. C. Bannerji, Deputy Magistrate, Muzaffarpur.
- (13) Maulvi S. Haider, Assistant Settlement Officer, Gaya.
- (14) Pandit H. Sahay, Deputy Magistrate, Gaya.
- (15) Syed N. Huck, Munsif, Gaya.
- (16) Babu S. L. Gupta, Sub-divisional Officer, Jajpur.
- (17) Babu N. K. Lal, Manager, Maksudpore, Raj.
- (18) Babu N. N. Gupta, Deputy Magistrate, Gaya.
- (19) Babu H. S. Lal, Deputy Magistrate, Gaya.
- (20) Maulvi S. Ahmad, Deputy Magistrate, Gaya.
- (21) Moulvi M. H. Rahman, Deputy Magistrate, Arrah.
- (22) T. R. Godfrey, Esq., Sub-divisional Officer, Bhadrak.
- (23) Babu R. K. Gupta, Deputy Magistrate, Gaya.
- (24) E. A. Guest, Esq., Sub-divisional Officer and Collector, 5th Grade, Bihar and Orissa.

- (25) Members of the Provincial Civil Service, Darbhanga.
- (26) Members of the Provincial Civil Service, Monghyr.
- (27) Members of the Provincial Civil Service, Arrah.
- (28) Members of the Provincial Civil Service, Bankipur.
- (29) Members of the Provincial Civil Service, Cuttack.
- (30) Members of the Provincial Civil Service, Ranchi.
- (31) Members of the Provincial Civil Service, Daltonganj.
- (32) Members of the Provincial Civil Service, Balasore.
- (33) Members of the Provincial Civil Service, Singhbhum.
- (34) Members of the Provincial Civil Service, Chapra.
- (35) Members of the Provincial Civil Service, Sonthal Parganas.
- (36) Members of the Provincial Civil Service, Bhagalpur.
- (37) Moulvi G. N. A. Hasan, Sub-Deputy Collector, Bihar.
- (38) Moulvi S. Rahman, Sub-Deputy Collector, Jehanabad.
- (39) Syed M. Naziruddin, Sub-Deputy Collector, Gaya.

## (b) Non-officials.

- (40) M. Yunus, Esq., Bar-at-law, Bankipore.
- (41) Pandit B. Pershad, Zemindar, Chapra.
- (42) Pandit B. K. Prasad, Vakil, Darbhanga.
- (43) M. Solaiman, Esq., Bar-at-Law, Bankipore.
- (44) Saiyid Zahiruddin, Vice-Chairman, District Board, Patna.
- (45) S. N. Mukherji, Esq., Munsif, Patna.

## (c) Association.

- (46) Bihar Hindu Sabha, Gaya Branch (Babu S. Pati).

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Suggestions for judicial officers to be attached to for study of law, opposed, *Kingsford* - 39,247

## Judges (see that title)

Popularity with masses questioned, *Mazharul Haque* 40,616-8

Subordinate, system of inspection, and district judge has not sufficient time for, *Kingsford* 39,296-301

Criminal Procedure Code, alteration re provisions of section 191 suggested, *Oldham* - 39,655, 39,797

## D.

Darbhanga (see Rameshwar Singh)

Das, *Madhu Sudan*, evidence of - 39,081-226

Departmental Examinations (see under Training)

Deputy Collectors (see Collectors, Deputy)

Director of Land Records and Agriculture:

Addition of post to grades of magistrate and collector, objection to rules, *Le Mesurier* - 38,005

as listed post advocated, *Rama Ballabh Misra*, 40,248, *Sinha*, 40,971

Local allowance of Rs 250 per mensem advocated, *Le Mesurier* - 38,028

Post should not be reserved to I.C.S., *Campbell* 38,925, 39,015

## District Charges:

at Age of thirty advocated, *Krishna* - 40,782-3

charge Allowance under time scale suggested, *Krishna* 40,712

European officer preferred in plaintiffs' district, *Jameson* - 41,237-8

District collectors (see Collectors)

District judges (see Judges)

## E.

## Education, Indian.

Advance, *Mazharul Haque* - 40,444, 40,488

Assimilation to European not objected to, if without discarding Indian culture *Sinha*, 41,088, 41,138-45

no College admitting Indians where training given on lines of English public school - 39,781-2

Difference between provinces, *Hasan Imam* 41,603-9

Effect of simultaneous examinations on, *Sinha*, 41,085-97, 41,138-45, *Hasan Imam* 41,673-9

Graduates, number, *Sinha* - 41,149-51

Methods adverse to forming tone as gained in English public school, *Kingsford* - 39,230

Progress made, but not rapid, and details re graduates, &c., *Madhu Sudan Das* - 39,196-200

Educational Service, time scale in force and works well, *Le Mesurier* - 38,016

Eurasians, number recruited for Executive Branch of P.C.S., and number selected for officiating promotion, *Le Mesurier* - 38,047

European culture, value of, *Sinha* - 41,137

## European Officials

## EMPLOYMENT OF MINIMUM PROPORTION IN HIGHER POSTS

Approved, *Madhu Sudan Das*, 39,089, 39,124-5,

39,185, *Krishna Sahay*, 40,162-5, *Rama Ballabh Misra*, 40,289, 40,295, *Mazharul Haque*, 40,593,

40,606-8, *Sinha*, 41,072, *Hasan Imam*, 41,564-6

not Approved, *Krishna Sahay*, 40,123, 40,161, *Mazharul Haque*, 40,455, 40,591-5

Fixing of minimum not necessary, *Le Mesurier*, 37,951, *Kingsford*, 39,402-3, *Oldham*, 39,620,

*Sinha*, 40,963, *Fakhri ud din*, 41,358, *Mazharul Haque*, 40,455, 40,591-5, *Krishna*, 40,682,

40,765, *Hasan Imam*, 41,527, 41,562

Fixing of proportion, objection to, *Rainy*, 38,384,

38,564-8, *Filgate*, 39,505

Minimum of two thirds advocated, *Mullick* 41,718  
(see also Statutory Regulations)

Numbers of, recruited for Executive Branch of P.C.S., and numbers selected for officiating promotion, *Le Mesurier* - 38,047

no Objection to diminution in number of, if qualified Indians found, *Hasan Imam* - 41,671-2

Preponderance of, giving up of, inadvisable in present state in India, *Ali Ahmad* - 38,684, 38,785

Examinations (see under Indian Civil Service Examination, Separate, and Simultaneous)

Exchange Compensation Allowance (see under Pay, I.C.S.)

Excise Commissioners (see Commissioners of Excise)

## Executive Branch, I.C.S.:

Overworked, *Oldham*, 39,603, *Jameson*, 41,270-1

(see also under Judicial Branch, I.C.S.)

## PENSIONS

Extra amount suggested for each year served after minimum period, on conditions, *Oldham* 39,676, 39,680

Special, advocated in certain posts, after five years' service, *Le Mesurier* - 38,034

Probation, one year sufficient, *Fakhri ud din* - 41,380

Study of law, elementary principles should be included in departmental examination, *Fakhri ud din* 41,371

## TRAINING

Value of, *Jameson*, 41,290-308, *Hasan Imam*, 41,653-5

(see also Training, I.C.S.)

## Executive Branch, P.C.S.:

## GRADING

Alterations suggested, *Oldham*, 39,701, *Rama Ballabh Misra*, 40,258, 40,262, *Sinha*, 40,999,

*Fakhri ud din*, 41,381, 41,510

Regulating under consideration, *Le Mesurier* 38,066, 38,068, 38,371-2

Statement of posts in each grade and time spent by first two officers in that grade, *Rama Ballabh Misra* - 40,258

**Executive Branch, P.C.S.—continued.**

Judicial Functions, combination and separation (see under Judicial Branch, P.C.S.).

**LEAVE:**

Allowances, maximum and minimum limits approved, *Rama Ballabh Misra* - - - 40,269  
on Full pay (Privilege):  
Amount, *Ali Ahmad* - - - 38,856  
Amount allowed suitable, *Le Mesurier*, 38,071;  
*Rama Ballabh Misra*, 40,266.  
Full amount usually taken, *Le Mesurier*, 38,071;  
*Rama Ballabh Misra*, 40,266.  
Undesirable restrictions, *Rama Ballabh Misra*  
40,273

**Furlough:**

Allowance, no objections to present rates, *Rama Ballabh Misra* - - - 40,268  
Amount due usually taken only on account of health, and adequate provision advised, *Rama Ballabh Misra* - - - 40,267  
Increase desirable, and suggestions, *Rama Ballabh Misra* - - - 40,267, 40,273  
More taken than formerly, *Le Mesurier*, 38,070;  
*Rama Ballabh Misra*, 40,265.  
Privilege (see on Full Pay above).

**Reserve:**

Adequate, *Le Mesurier* - - - 38,056  
None, but need for, *Ali Ahmad* - - - 38,750

Rules, only slight inconvenience to administration and a few supernumerary officers suggested to fill vacancies, *Rama Ballabh Misra* - 40,271

**Special:**

Conditions generally suitable, *Rama Ballabh Misra* - - - 40,270  
for Period not exceeding six months' advocated, *Rama Ballabh Misra* - - - 40,270  
(see also Leave, P.C.S.)

Overwork and block in promotion, *Oldham* 39,603,  
*Rama Ballabh Misra* 39,736

**PAY:**

Inadequate, *Rama Ballabh Misra* - - - 40,263  
Rates of pay, alterations suggested, *Oldham*, 39,701; *Rama Ballabh Misra*, 40,262; *Sinha*, 40,999; *Fakhr-ud-din*, 41,381.  
Rates, 1st April 1912, *Le Mesurier* - - - 38,065

**Time scale:**

Approved with approved service as test and higher standard of efficiency in higher grades, *Rama Ballabh Misra* - - - 40,408-12  
Drawbacks, *Rama Ballabh Misra* - - - 40,262  
Scheme, *Ali Ahmad* - - - 38,764  
(see also Pay, P.C.S.)

Pensions (see under Pensions, P.C.S.).

Probation (see under Probation, P.C.S.).

**PROMOTION:**

Board of Promotion and Selection advocated, *Mullick* - - - 41,772(i)

Officiating, absence of, source of disappointment and introduction advocated, *Rama Ballabh Misra* 40,263

Ordinary good work sufficient for ordinary grade promotions and reward of special merit by special posts advocated, *Rama Ballabh Misra* 40,259

by Selection above fourth grade, and method, *Le Mesurier* - - - 38,059

by Seniority to grade of Rs. 500 if additional grade of munsifs created, suggested, *Sinha* 40,990

System of confidential reports, objection to, and alteration suggested, *Ali Ahmad* - - - 38,752  
(see also Promotion, P.C.S.)

**RECRUITMENT:**

Age, 27 advocated, *Fakhr-ud-din* 41,378, 41,443-9

Combined nomination and examination advised, and scheme, *Fakhr-ud-din* - - - 41,378

by Competitive examination advocated, *Mazharul Haque* - - - 40,478, 40,506-7

Nomination from each community and competition subsequently among nominees suggested, *Oldham* 39,687-8

Number of officers recruited and distribution by race, *Le Mesurier* - - - 38,047

**Executive Branch, P.C.S.—continued.****RECRUITMENT—continued.**

Proof of respectability and social position necessary, *Fakhr-ud-din* - - - 41,378  
by Promotion from Subordinate Service not objected to, *Fakhr-ud-din* - - - 41,431  
Rate of, *Le Mesurier* - - - 38,058  
Rules, *Le Mesurier* - - - p. 22-3  
Rules recently revised to suit candidates of province, *Le Mesurier* - - - 38,045  
(see also Recruitment, P.C.S.)

Retirement after 35 years of age advocated, but exceptional cases should be treated on merits, *Rama Ballabh Misra* - - - 40,275

Revenue cases, land revenue, cases about zamindars, landlords and tenants done by, *Madhu Sudan Das* 39,142-3

**TRAINING:**

Departmental examinations:  
Suitable and necessary, *Ali Ahmad* - - - 38,747  
System suitable, *Le Mesurier* - - - 38,053  
Rules, *Le Mesurier* - - - 38,052  
System satisfactory, *Le Mesurier* - - - 38,052  
(see also Training, P.C.S.)  
Vacation, *Ali Ahmad* - - - 38,859-61

Executive Branch, subordinate service (see Subordinate Executive Service).

Executive Council (see Council).

**F.**

*Fakhr-ud-Din*, Khan Bahadur Saiyid, evidence of 41,340-513

**Family Pension Fund:**

no further facilities necessary for members of P.C.S., *Kershaw* - - - 40,735, 40,757  
some Scheme desirable, *Rama Ballabh Misra* 40,270  
(see also Indian Family Pension Fund)

Filgate, Townley Richard, C.I.E., evidence of 39,494-596

Financial Commissioners (see under Commissioners, Financial).

Foreign Department, time-scale works well, *Kershaw* 40,714

Forest Services, time-scale in force and works well, *Le Mesurier* - - - 38,016

Furlough (see under Leave).

**G.**

General Provident Fund (see Provident Fund).

Government, composition of, *Le Mesurier* 38,089-90

Government of India Act, 1870, definition of "Natives of India" (see under Indians).

Government Residences (see Residences).

Government Scholarships (see Scholarships).

Government Secretaries (see Secretaries).

Governor General's Council (see Council).

Grading (see under Pay).

**H.**

*Haque*, Mazharul, evidence of - - - 40,437-667

*Hasan Imam*, Syed, evidence of - - - 41,541-692

**Heads of Departments:**

Charge allowance under time-scale, *Kershaw* 40,712

Selection by examination of candidates nominated by, for P.C.S. advocated, *Kershaw* - - - 40,737

High Courts (see Courts, High).

**Hindus:**

Mussulmans make better officers, *Campbell* - 38,985

Untouchables, question of want of sympathy towards, *Campbell* - - - 39,026-39

(see also under Indians.)

Home Civil Service Examination, combination with Indian Civil Service Examination (see under Indian Civil Service Examination).

## I.

India, prospect of one nationality, *Madhu Sudan Das* 39,192-3

## Indian Civil Service:

## CADRE

Considered insufficient, *Le Mesurier*, 38,096-8, *Rama Ballabh Misra*, 10,313-6  
 State of, nearly normal, *Le Mesurier* - 37,991  
 Strength of, *Le Mesurier* - 37,992, 38,000  
 Declining popularity, and reasons and danger of, *Oldham*, 39,597, 39,920, *Keishaw*, 40,838-43, *Rama Ballabh Misra*, 10,213, 10,306, *Keishaw*, 10,608, 10,671, 10,760-2, 10,838-13  
 Duties more onerous, *Oldham* - 39,597, 39,920  
 for Executive administration only, advocated, *Fakhr-ud-din*, 11,350, *Sinha*, 10,979, 11,026  
 Hostile criticism, *Oldham* - 39,597  
 Improvements suggested, order of importance, *Keishaw* - 10,804

## JUNIOR CIVILIANS

Greater consideration in treatment of Indians advocated, *Hasan Imam* - 14,540  
 some Married before arrival in India, and disadvantage, *Filgate* - 39,560-3  
 Usually sympathetic in dealings with people, *Campbell* - 38,968

Listed posts (see that title)

Manned by Indians only in future, no objections, *Mazharul Haque* - 10,195-8, 10,592-5  
 Officials not as accessible to masses as formerly, and complaints, *Madhu Sudan Das* 39,102, 39,161-3, 39,190, 39,203-6

Over work and increase of office work, *Campbell*, 38,932, 38,966-7, 38,986-90, 38,992-5, *Filgate*, 39,551, *Oldham*, 10,092-7, *Rama Ballabh Misra*, 10,311-6

Vacancies, separate declaration for India in case of simultaneous examinations not needed, *Hasan Imam* - 11,638-44  
 (see also Conditions of Service, Leave, Pay, and Pensions)

Indian Civil Service Act, 1861 (see under Statutory Regulations)

Indian Civil Service Association, Bengal Branch, opinions correspond with those of Government of Bihar and Orissa, *Kingsford* - 39,308-9

## Indian Civil Service Examination.

## AGE LIMITS

## 17-19

Advocated and reasons, *Oldham*, 39,611-2, 39,831, *Mullick*, 11,707-6  
 Objections, *Le Mesurier*, 37,947, *Keishaw*, 10,859-61

18-19 on January 1st, advocated, *Kingsford*

39,233, 39,270-1  
 18-23 advocated, to allow both University men and school-leaving boys to appear, *Ali Ahmad* 38,692

20-22 advocated, *Le Mesurier*, 37,946, 38,111, *Keishaw*, 40,677, 40,859-66

21-23 advocated, *Rainy*, 38,387, 38,577-9, 38,625-8, *Mazharul Haque*, 10,149

23 advocated, *Rama Ballabh Misra*, 40,242, *Fakhr-ud-din*, 11,352

23 or 21 advocated for Natives of India, *Ali Ahmad* 38,695

Differentiation between Natives of India and other natural-born subjects of the King not Advocated, *Le Mesurier*, 37,950, *Campbell*, 38,924, *Kingsford*, 39,236, *Filgate*, 39,503, *Oldham*, 39,615, *Krishna Sahay*, 40,119, *Rama Ballabh Misra*, 40,245, *Mazharul Haque*, 40,451, *Keishaw*, 40,876-81, *Jameson*, 41,203, *Hasan Imam*, 41,600-1, 41,524

Question of, *Le Mesurier* - 37,950, 38,234

## EARLIER

Advocated, *Kingsford*, 39,236, 39,276, *Oldham*, 39,597, 39,718-9, 39,870-2, *Keishaw*, 40,671, 40,704, 40,783-4, 10,859-66  
 more Favourable to Indians, *Oldham*, 39,611, 39,615, 39,722-3, 39,818-24, *Mullick*, 41,708  
 Revision of curriculum necessary, in event of, *Oldham* - 39,831

## Indian Civil Service Examination—continued

## AGE LIMITS—continued

Mental calibre same under two systems, but more exceptional men provided under old system of 17-19 age limit, *Kingsford* - 39,234, 39,330

## Present age limits

Satisfactory, *Rainy*, 38,449, *Krishna Sahay*, 40,117, 40,119, *Rama Ballabh Misra*, 40,245, *Sinha*, 40,957, 40,959, *Jameson*, 41,201, 41,245, *Hasan Imam*, 41,522, 41,524

Suitable for Indians, *Sinha* 40,957, 40,959  
 University, and increasing importance of honours' course, *Rainy* - 38,504-12

does not attract best men, *Oldham* - 39,597

## COMBINATION WITH HOME AND COLONIAL SERVICES EXAMINATION

some Advantages, but separation would favour U.S., *Keishaw* - 40,670

Approved and advantages of, *Le Mesurier*, 37,937, *Kingsford*, 39,229, *Filgate*, 39,496, *Krishna Sahay*, 40,168, *Sinha*, 40,948, *Jameson*, 41,195, *Hasan Imam*, 41,516, *Mullick*, 41,697

not Approved, *Madhu Sudan Das*, 39,082, *Oldham*, 39,601, *Rama Ballabh Misra*, 40,238

Exclusion of colonials suggested, *Mazharul Haque*, 40,440, *Fakhr-ud-din*, 41,343, 41,484-6, 41,496

Extension of age due to, undesirable, *Kingsford* 39,229

Home service now more popular, *Rainy* 38,383

Separation might increase chances of Indians, *Fakhr-ud-din* - 41,499-500

some Defects in detail, *Fakhr-ud-din* - 41,340  
 not Designed with view to requirements of Indians, but has worked well, *Le Mesurier* - 37,935

Differentiation between natural born subjects of His Majesty not necessary, *Le Mesurier*, 37,936, *Rama Ballabh Misra*, 40,237, *Keishaw*, 40,670, *Fakhr-ud-din*, 41,356, *Mullick*, 41,696

for Indians, completion of education in England, advantages of, *Rainy* - 38,384

List of Indians now serving in province recruited by, *Le Mesurier* - 37,958

Natives of India recruited by, as efficient on the average as Europeans, and employment in all branches found possible and expedient, *Ali Ahmad* 38,762

Objections, men sent out do not feel a mission before them to raise India and difficulty increasing, *Madhu Sudan Das* 39,175-8

Possibly not equally suitable for Indians, but adoption of different systems objected to, *Rainy* 38,382, 38,568-70

if Proportion of Indian candidates increased, or number of appointments open to, increased, suitability of system would have to be reconsidered, *Le Mesurier* - 37,935

## PRESENT SYSTEM

Results good on whole, but not ideal theoretically, *Keishaw* - 40,668, 40,670

Retention advised, *Le Mesurier*, 38,094, *Keishaw*, 40,672, 40,846, *Mullick*, 41,698, 41,714

Satisfactory in principle, *Le Mesurier*, 37,934, *Ali Ahmad*, 38,680, *Campbell*, 38,916, 38,920, *Kingsford*, 39,227, 39,260, *Krishna Sahay*, 40,105, 40,109, *Rama Ballabh Misra*, 40,235, 40,290, *Sinha*, 40,945, *Jameson*, 41,192, *Fakhr-ud-din*, 41,340, *Hasan Imam*, 41,514, *Mullick*, 41,693-4, 41,695, 41,695

not Entirely satisfactory as too much preponderance given to mere scholarship, *Filgate* 39,494, 39,534-5

not Satisfactory, and disadvantageous to Indians, *Rama Ballabh Misra*, 39,260, *Oldham*, 39,597, 39,721, *Krishna Sahay*, 40,106-7, *Mazharul Haque*, 40,374-9, 40,486, *Sinha*, 40,945-7, *Fakhr-ud-din*, 41,341, *Hasan Imam*, 41,515, 41,559, *Mullick*, 41,695

equally Suitable for Indians and Europeans, *Rainy*, 38,382, 38,568-70, *Campbell*, 38,917

not equally Suitable for Indians, *Ali Ahmad*, 38,682, *Kingsford*, 39,228, 39,261, *Keishaw*, 40,669, 40,763

## Indian Civil Service Examination—continued.

## SYLLABUS :

of 1892-1905 period preferred, but addition of Persian languages and literature advised, *Oldham* - - - - - 39,617

if Age 21-23, Indian law and English law should be compulsory, *Mullick* - - - - - 41,739

no Alterations suggested, *Jameson* - - - - - 41,203

Differentiation between Indians and others not necessary, *Le Mesurier*, 37,952; *Madhu Sudan Das*, 39,087; *Kingsford*, 39,238; *Oldham*, 39,618; *Krishna Sahay*, 40,121; *Rama Ballabh Misra*, 40,246; *Mazharul Haque*, 40,455; *Sinha*, 40,959, 40,961; *Jameson*, 41,205; *Hasan Inam*, 41,526; *Mullick*, 41,711.

Greek, Latin, French, and German unnecessary, *Ali Ahmad*, 38,698; *Fakhr-ud-din*, 41,355. 41,463-7.

Indian history should be made separate subject, *Rainy*, 38,390; *Mullick*, 41,710.

## Law :

Important branches should be prescribed, *Madhu Sudan Das* - - - - - 39,103

Knowledge of fundamental principles of law most important and questions of inclusion, *Madhu Sudan Das* - - - 39,086, 39,153-8

Marks should be increased, *Rainy* - - - - - 38,390

Lord Macaulay's Committee, principle accepted, *Le Mesurier*, 37,951; *Rainy*, 38,390; *Ali Ahmad*, 38,690, 38,696; *Kingsford*, 39,237; *Oldham*, 39,616; *Kershaw*, 40,680; *Hasan Inam*, 41,525; *Mullick*, 41,709, 41,727.

Pali and Persian should be included, *Krishna Sahay*, 40,120, 40,201-5; *Mazharul Haque*, 40,452, 40,487; *Sinha*, 40,960, 41,140; *Fakhr-ud-din*, 41,355, 41,463-7.

Persian and Arabic advocated, and reasons, *Oldham* 39,961-6

Political science marks should be decreased, and those for political economy increased, *Rainy* 38,390

Sanskrit and Arabic should be marked equally with Greek and Latin, *Ali Ahmad*, 38,697; *Krishna Sahay*, 40,120, 40,201-5; *Mazharul Haque*, 40,452, 40,487; *Sinha*, 40,960, 41,140.

Sanskrit, Arabic, and Persian, maximum number of marks allotted to, should be increased, *Oldham* - - - - - 39,617

Specialisation not desirable, *Le Mesurier* 37,951, 38,262-4

Subjects selected with view to peculiar needs of Indian administration advisable, *Madhu Sudan Das* - - - - - 39,082

Suggestions, *Mullick* - - - - - 41,710

Unsuitable men, a certain number get through, and test not perfect, *Le Mesurier* - - - 38,249-52

Viva voce examination, desirable, *Le Mesurier*, 37,966, 38,235-7, 38,253-4; *Oldham*, 39,617, 39,866-72, 39,922-5.

## Indian Family Pension Fund :

## ADMISSION OF INDIANS :

Advocated, *Oldham*, 39,683-4; *Sinha*, 40,989; *Mullick*, 41,765, 41,767.

Compulsory, advocated, *Fakhr-ud-din*, 41,388, 41,473-6; *Mullick*, 41,766.

should be Optional, option to be exercised at time of signing covenant, *Le Mesurier*, 38,040-1; *Kershaw*, 40,733-4.

Regulations and working of, satisfactory, *Le Mesurier*, 38,039; *Kershaw*, 40,732; *Mullick*, 41,764.

Unfair to exact contributions from unmarried men, *Oldham* - - - - - 39,682, 39,755

## Indian Students in England :

Large number, and difficulty of going to England is exaggerated, *Le Mesurier* - - - - - 38,231-2

Many objections to sending children to London, *Rama Ballabh Misra* - - - - - 40,327-9

Number sent to England and entering for open competitive examinations, *Sinha* - - - 41,152-4

## Indians :

## DEFINITION OF "NATIVES OF INDIA" :

Approved, *Ali Ahmad*, 38,691; *Campbell*, 38,922, *Oldham*, 39,610; *Rama Ballabh Misra*, 40,240, *Kershaw*, 40,676; *Jameson*, 41,200; *Fakhr-ud-din*, 41,351.

Exclusion of persons of unmixed European descent advocated, *Krishna Sahay*, 40,116; *Mazharul Haque*, 40,448, 40,535-41, 40,587-90, 40,621; *Sinha*, 40,956, 41,111-5.

should include subjects of Native States, *Le Mesurier*, 37,945; *Hasan Inam*, 41,521; *Mullick*, 41,704.

## HIGHER POSTS, INCREASE IN NUMBER OF, OCCUPYING :

Desirable, *Madhu Sudan Das* - - - - - 39,126  
not Desirable, *Campbell* - - - - - 38,926-7, 39,008, 39,018-25, 39,068-9

## IN SERVICE :

## Increase in number :

Desirable, *Mazharul Haque*, 40,498; *Sinha*, 40,945, 41,006, 41,053-4.

not Desirable, *Campbell* - - - - - 38,934, 39,064

Hoped for, *Hasan Inam* - - - - - 41,564-8

Number settled by considerations of efficiency, *Oldham* - - - - - 39,926-9

lack of Sympathy with common people, *Campbell* 38,918, 38,934, 38,944-9, 38,964, 39,013-4, 39,026-9, 39,035-9, 39,054-8

Very few live to enjoy pension, *Sinha* - - - 41,066

Industrial developments, *Patna*, *Oldham* - 39,777-8

Inefficient Officers, retirement of, on reduced pension (see under Pensions and under Retirement).

Inferior Posts, I.C.S. (see under Conditions of Service).

Inspector-General of Police (see under Police).

Inspector-General of Registration (see Registration, Inspector-General of).

## Insufficiency of Staff, I.C.S. :

Cadre is insufficient, *Le Mesurier*, 38,096-3; *Rama Ballabh Misra*, 40,313-6.

District officers are overworked, *Le Mesurier*, 38,130-3; *Rainy*, 38,444; *Campbell*, 38,932, 38,966-7, 38,986-95; *Jameson*, 41,271-2.

Officers are nearly all overworked, *Oldham*, 39,603  
*Jameson*, 41,270-1.

## Insufficiency of Staff, P.C.S. :

Executive and judicial officers are nearly all overworked, *Ali Ahmad*, 38,749, 38,801-4; *Oldham*, 39,603, 39,714, 39,735-6, 39,957-8, 40,092-7; *Rama Ballabh Misra*, 40,313-6.

Executive and judicial sides both need strengthening,

## EXECUTIVE BRANCH :

## Leave reserve :

Adequate, *Le Mesurier* - - - - - 38,056, 38,070

Inadequate, *Ali Ahmad*, 38,750; *Rama Ballabh Misra*, 40,257, 40,413.

Strength of, satisfactory, *Mullick* - - - 41,772(g)

## JUDICIAL BRANCH :

Civil judicial staff overworked, *Oldham*, 39,603, 39,705; *Sinha*, 40,995, 41,048-50, 41,061, 41,076-8.

Needs strengthening, *Mullick* - - - - - 41,772(g).

Number of munsifs and subordinate judges should be increased, *Kingsford*, 39,480-1; *Fakhr-ud-din*, 41,381, 41,433-5; *Mullick*, 41,772(g), 41,857-9.

Method of fixing strength satisfactory, *Le Mesurier* 38,055

J.

*Jameson*, J. V., evidence of - - - - - 41,192-339

## Judges, District and Sessions :

Additional, might be sent up more freely in some districts, *Kingsford* - - - - - 39,300-1

not Able to exercise sufficient supervision over subordinate courts, and consequent delays in civil justice, *Kingsford* - - - - - 39,232

Bar recruitment from (see under Recruitment, next col.).

## Judges, District and Sessions—continued

## CIVILIANS

- make Good judges and no better judges of fact,  
*King for I*, 39,232, 39,310-59, 39,363-8, 39,127-30, 39,171-1, *Oldham*, 39,616
- Legal knowledge and training inadequate, *Ramny*, 38,386, *Kingsford*, 39,232, *Rama Ballabh Misra*, 40,210, *Sinha*, 41,055-7
- Judicial work by, dissatisfaction with, *Sinha* 41,026
- Preferred to lawyer, *Kingsford*, 39,232, *Mullick*, 42,019, 42,021
- Classification of, in order of merit yearly, by inspection judge advocated, *Mullick* - - - 41,743
- Control of by High Court, *Le Mesurier* 38,004
- Difference between grades of District Magistrate and Collector, and, should be abolished, *Ali Ahmad* 38,739

## DUTIES

- some Appeals might be transferred to, *Kingford*, 39,157, *Oldham*, 39,635, 39,761-1, 39,974-86, 40,027-9
- no Executive functions, *Kingsford* - - - 39,250
- Not time of work, *Le Mesurier* - - - 38,004
- not Enough time for inspection of subordinate courts, but necessity for permanent increase of staff doubtful, *Kingford* - - - 39,296-301

## EXPERIENCE VALUE OF

- Executive *Le Mesurier*, 37,941, *Mazharul Haque*, 40,575-9, 40,599-600
- Revenue *Ali Ahmad* - - - 38,739
- Hold judicial posts only after appointment as *Oldham* - - - 39,655
- Increase in number advised, *Mullick* 41,770

## INDIAN

- Comparison with Europeans *Krishna Sahay* 40,211-2
- if Increased, recruitment by system of nomination in India preferred *Le Mesurier* - - - 38,316
- LEGAL KNOWLEDGE
- to Ascertain facts more important than great *Kingsford* 39,232
- Higher study, examination advised, *Kingsford* 39,248
- Injustice due to lack of, *Mazharul Haque* 40,659-61

## LISTED POSTS

- Number, and number filled by members of P.C.S., *Le Mesurier* - - - 37,961
- One third advocated, *Mullick* - 41,719, 41,772(k)
- Position worse than that of subordinate judge, first grade, *Rama Ballabh Misra* - - - 40,436
- Work satisfactory, *Mudhu Sudan Das* 39,149-50

- Methods of civil and criminal judges in dealing with evidence essentially different, *Kingsford* 39,364-8

- Number and rates of pay, 1st April 1912, *Le Mesurier* - - - 38,007

## PAY

- Present rates, *Le Mesurier*, 38,007, *Oldham*, 40,888, *Jameson*, 41,325-9
- Time scale, rates suggested under, *Kershaw* 40,712
- Promotion to, after ten or twelve years' service, advised, *Kingsford* - - - 39,248

## RECRUITMENT

- from the Bar
- Advocated, *Mazharul Haque* 40,447, 40,516-9, 40,575
- no Application received *Le Mesurier* 38,805-7
- One third from I.C.S., one third from the Bar, and one third from P.C.S., necessity and desirability not seen, *Ramny* - - - 38,617-8
- Proved men of ability in P.C.S. might be appointed, but rigorous selection advised and details, *Kingsford* - - - 39,482-9
- from Sub judges, men usually too old, *Ramny* 38,534-5
- from Subordinate judges and practising vakils and barristers advocated, *Sinha* - 40,955, 40,962, 40,979-80
- Subordinate judges, one-fourth of posts should be given to, *Bakhr-ud din* - - - 41,381

## Judges, District and Sessions—continued

## RECRUITMENT—continued

- Selection from public prosecutors, question of *Ramny* - - - 38,412, 38,532-3
- (see also under Recruitment under Judicial Branch, I.C.S.)
- Subordinate judges and munsifs equal if not superior to, *Hasan Imam* - - - 41,690-2
- Supervision of subordinate magistrates by, disadvantage, *Ramny* - - - 38,632-6
- should be trained to determine truth of evidence, *Rama Ballabh Misra* - - - 40,421-2
- Unlikely to find Government Pleader or Public Prosecutor who would be more successful, *Kingsford* - - - 39,295
- Work to be supervised by High Court, *Mullick* 41,743

## Judges, High Court

- Barister, special pension, unfair and anomalous *Oldham* - - - 39,677, 39,849-52
- Extent of personal inspection of courts in mufassal, *Mullick* - - - 41,861
- Increase of pay advocated, and reasons, *Mullick* 41,739
- Number and pay, 1st April, *Le Mesurier* - - - 38,007

## PENSION

- Continuance of present rate advocated, with reduction of period from 11½ to five years, *Mullick* 41,759
- Increase advocated, and effect, *Le Mesurier*, 38,033, *Oldham*, 39,676, 39,855, 39,967-72
- Recruitment for, from District and Sessions Judges advocated, *Hasan Imam* - - - 41,577
- Substitute for Registrar on appellate side who should be member of Board of Promotion, suggested *Mullick* - 41,743, 41,961-9

- Judge, inspecting officer to combine posts of Registrar and advocated, *Mullick* 41,772(h), 41,860-2, 41,961-9

## Judges, Subordinate

- Comparison with district judges, *Hasan Imam* 41,690-2
- no Fault to find with work of, *Campbell* 39,070
- First grade, position of district judge, listed officer, worse than that of, *Rama Ballabh Misra* 40,436
- Increase of number advocated, *Fakhri ud-din*, 41,381, *Mullick*, 41,772(g), 41,857

## INDIAN

- Acting as Assistant Sessions Judge, disposes of important criminal cases without experience of criminal law, *Kingsford* - 39,232, 39,475-9
- Decisions on fact and law satisfactory, and comparison with Europeans, *Sinha* - 41,173-5
- Unprofessional English civilian superior to, *Kingsford* 29,354-9, 39,232, 39,363-8, 39,427-30
- Investment of, with Assistant Sessions Judges' powers, *Ali Ahmad* - - - 38,875-9
- Number of posts and rates of pay, *Ali Ahmad* 38,759
- Overworked, *Fakhri ud-din* - - - 41,433-5
- Promotion to district and sessions judgeships, sub-judges should receive, *Sinha*, 40,955, 40,979-80, 41,018, *Fakhri ud-din*, 41,381
- Recruitment, men too old on becoming sub judges, *Le Mesurier*, 38,045, *Mullick* 41,772(g)
- Regrading desirable, *Ali Ahmad*, 38,760, 38,863-74, *Oldham*, 39,813
- Removal of cases of over Rs 1,000 from munsifs to proposed, *Sinha* - 40,985, 41,061-2, 41,068
- Subscribers to General Provident Fund *Le Mesurier* 38,082
- Try civil suits, *Krishna Sahay* - - - 40,151

## Judicial Administration.

- Criminal cases, pleaders necessary where cases tried in towns in court, *Rama Ballabh Misra* 40,380-2
- Defects, *Ramny*, 38,386, 38,402, *Mudhu Sudan Das*, 39,170-1, *Mazharul Haque*, 40,447
- History and remarks re statements, *Mazharul Haque* 40,447, 40,656-8
- Miscarriage of justice, cases cited, and papers to be sent up, *Mazharul Haque* - - - 40,626-52

**Judicial Administration—continued.**

Procrastination in, and administration fallen into  
disrepute and reasons, *Kingsford* - 39,232,  
39,319-26, 39,412-20  
Villagers at disadvantage owing to magistrate and  
pleader being ignorant of language, *Campbell*  
38,968, 39,000-3

**Judicial Branch, I.C.S.:**

**BIREFUGATION:**  
after 5 years' service, advocated, *Le Mesurier*,  
37,983; *Kingsford*, 39,248, 39,282-3; *Oldham*.  
39,646, 39,916-8, 40,041-2.

after 6 years advocated, *Rainy* 38,400, 38,436-7,  
38,602-8

between 7th and 8th year, advocated, and officer  
should be called to bar, *Mullick* - 41,739

on Completion of probation advocated, *Fakhr-ud-din*  
41,350, 41,427-9

too late at present, *Rainy* - 38,386  
after Passing examination, *Le Mesurier* - 38,373

Criminal justice, administration more efficient and  
prompt than civil owing to supervision by District  
Magistrate, *Kingsford* 39,232, 39,319-26, 39,412-20

**DIFFERENTIATION OF JUDICIAL AND EXECUTIVE  
FUNCTIONS:**

no Change desirable, *Kingsford*, 39,250, 39,367-  
89; *Jamson*, 41,227; *Mullick*, 41,744, 41,838.

Details, *Ali Ahmad*, 38,739; *Kingsford*, 39,250;  
*Oldham*, 39,655; *Krishna Sahay*, 40,151;  
*Jamson*, 41,279-81.

None during first five years advised, *Oldham*  
39,655

Improvement in personnel recently, and further pro-  
gress hoped for, *Kingsford* - 39,279-81

Judicial powers of executive officers held in *terrorem*  
over people, and examples, *Mazharul Haque*  
40,447, 40,625-67

Overwork, *Oldham* - 39,603

Pay, rates higher than for collectors to induce officers  
to choose judicial line, and question of, and less  
necessity now, *Oldham* - 40,036-43

Progressive stages in training and career, *Kingsford*  
39,248

**PROMOTION:**

Alteration *re*, necessary, *Mullick* - 41,743

Reading in Chambers and study in Inns of Court  
should count for, *Mullick* - 41,739

**RECRUITMENT:**

from the Bar:

Advocated, *Krishna Sahay*, 40,139-40, 40,166-9;  
*Mazharul Haque*, 40,447, 40,516-9, 40,604;  
*Sinha*, 40,955, 40,979-80, 41,018-25, 41,027,  
41,058; *Fakhr-ud-din*, 41,350, 41,427, 41,453-  
63; *Hasan Imam*, 41,520, 41,560-1, 41,578-8,  
41,646-7.

not Advocated, and reasons, *Le Mesurier*,  
38,258-9, 38,308-20; *Rainy*, 38,386; *Kingsford*,  
39,232, 39,289-95, 39,340-68; *Rama Ballabh*  
*Misra*, 40,240, 40,305, 40,345-52, 40,424-5.

Confining of, to Government pleaders not advo-  
cated, *Rainy* - 38,613-5

in England, disadvantages, *Rainy* - 38,386,  
38,593-5

Friction with executive branch not anticipated,  
*Sinha* - 41,027

from Leaders not advocated, *Hasan Imam*  
41,680-4

to Lowest rung of ladder as at present advised,  
*Rama Ballabh Misra* - 40,426

Question of, *Ali Ahmad* - 38,899-903

Question as to obtaining sufficient suitable men,  
*Le Mesurier*, 38,259-60; *Kingsford*, 39,340;  
*Rama Ballabh Misra*, 40,345-7; *Mazharul*  
*Haque*, 40,654-5; *Sinha*, 40,955, 41,019-25,  
41,058; *Hasan Imam*, 41,577.

Question as to effect on tone of the Bar, *Rainy*  
38,616

**Judicial Branch, I.C.S.—continued.****RECRUITMENT—continued.****Separate:**

Advocated, *Mazharul Haque*, 40,447; *Sinha*,  
40,955, 40,979-80, 41,110.

not Advocated, *Le Mesurier*, 37,944; *Ali Ahmad*,  
38,680; *Kingsford*, 39,232, 39,340-68, 39,392  
-3, 39,467; *Filgate*, 39,501; *Oldham*, 39,609;  
*Rama Ballabh Misra*, 40,240; *Jamson*,  
41,199; *Mullick*, 41,703, 42,016-8.

from Subordinate judges advocated, *Krishna*  
*Sahay*, 40,139-40; *Sinha*, 40,955, 40,979-80,  
41,018-25, 41,027, 41,058.

one Third from I.C.S., not objected to, *Sinha*  
41,028-9, 41,056-7

from Vakils enrolled in High Court advised, *Hasan*  
*Imam* - 41,627-30

**SEPARATION FROM EXECUTIVE BRANCH:**

Advocated, *Krishna Sahay*, 40,151, 40,180-1,  
40,206-12, 40,213-34; *Mazharul Haque*, 40,447,  
40,625-67, *Sinha*, 40,979, 41,126-32; *Fakhr-ud-*  
*din*, 41,350; *Hasan Imam*, 41,531, 41,632-7.

not Advocated, *Rainy*, 38,537-63; *Kingsford*,  
39,250, 39,302-7, 39,369-97, 39,410-1; *Filgate*,  
39,581; *Oldham*, 39,655; *Jamson*, 41,273.

Tendency in direction of, increasing, *Kingsford*  
39,250, 39,302-7

**STUDY LEAVE:**

not Advocated, *Kingsford* - 39,246

no Reason to suppose men would not utilise, *Le*  
*Mesurier* - 38,302

Scheme, *Le Mesurier* - 37,985-6

Suggestions, *Rainy* - 38,400

**TRAINING:**

Civil work, &c. from completion of probation, *Fakhr-*  
*ud-din* - 41,350, 41,430

Civilians, unsatisfactory, *Fakhr-ud-din* 41,350,  
41,426

in England, not preferred to practical training in  
India, *Madhu Sudan Das* 39,211-2, 39,224-5

in England, after six years' service in chambers  
advised, and officer should be called to bar, *Old-*  
*ham* - 39,646, 39,649

**Executive:**

Essential, *Kingsford*, 39,232, 39,392-3, 39,431,  
39,460-2; *Rama Ballabh Misra*, 40,240, 40,304,  
40,345, 40,353-6; *Mullick*, 42,020-1.

First, and law afterwards preferred, *Kingsford*  
39,460-2

not Necessary, *Fakhr-ud-din* - 41,428

Prejudicial, *Hasan Imam* - 41,573-4, 41,654-5

Question of, and practice at Bar more important,  
*Mazharul Haque* - 40,601-2

Value of, and advocated, *Rainy* 38,386, 38,402,  
38,556-63

General course of subjects in probationary period  
essential, *Oldham* - 39,646, 39,649

**in High Courts:**

Advised if separate recruitment not adopted,  
*Hasan Imam* - 41,543

not Advised, *Kingsford* - 39,247

Partly, and partly on judicial work, *Madhu*  
*Sudan Das* - 39,103, 39,211-2

**Law:**

Special training advised, *Filgate*, 39,318; *Sinha*,  
40,980; *Jamson*, 41,221.

Special training not advocated, *Kingsford*,  
39,247; *Oldham*, 39,647, 39,649; *Krishna*  
*Sahay*, 40,140-1; *Hasan Imam*, 41,514.

Training from beginning necessary, *Fakhr-ud-din*  
41,371

in Magisterial, revenue and executive duties and  
settlement work, advisable, *Oldham* 39,646,  
39,913-4, 40,031

Officers selected should pass examination similar  
to B.L. degree at Calcutta University, *Madhu*  
*Sudan Das* - 39,104

Officers not sufficiently versed in civil law, *Kingsford*  
39,232

Scheme, *Le Mesurier* - 37,985

Settlement work, important, *Kingsford*  
39,248, 39,284, 39,286-8, 39,353, 39,431-5,  
39,460-6



## Judicial Branch, I.C.S.—continued.

## TRAINING—continued.

Study leave, see *that title above*.

in Subordinate judicial posts :

Advocated, *Kingsford*, 39,248, 39,283-4; *Oldham*, 39,646, 39,648, 39,832-3; *Fakhr-ud-din*, 41,372-3.

not Advised, *Ali Ahmad*, 38,733; *Filgate*, 39,519; *Oldham*, 39,833-4; *Krishna Sahay*, 40,141; *Sinha*, 40,981; *Jameson*, 41,222.

Unconscious bias in decisions in favour of conviction entertained, *Sinha* - - - - -

Unfavourable opinion of, no longer valid, and considerable competition for appointment in, now, *Kingsford* - - - - - 39,232

## Judicial Branch, P.C.S. :

Amalgamation of criminal and civil side under control of High Court advocated, *Fakhr-ud-din* - 41,382

## CADRE :

Increase necessary, *Ali Ahmad*, 38,749; *Oldham*, 39,603; *Sinha*, 40,995, 41,048, 41,061, 41,176-8; *Mullick*, 41,772(g), 41,857.

Strength of, *Le Mesurier* - - - 38,046, 38,055

Confidential reports, no system of, *Ali Ahmad* - - - 38,851, 38,853

Court fees same in munsifs' court and subordinate judges, and regulation of, *Sinha* - - - 41,063-4, 41,069-70

Differentiation of executive and judicial functions, extent of, *Le Mesurier*, 38,004, 38,061; *Oldham*, 39,696; *Ali Ahmad*, 38,754; *Sinha*, 40,996.

Distribution according to race, *Le Mesurier* - 38,050

## DUTIES :

Increase of, *Ali Ahmad* - - - 38,760, 38,872  
Officers are overworked, *Oldham*, 39,603, 39,735; *Sinha*, 40,995, 41,061, 41,176-8.

Severity of, *Ali Ahmad* - - - - - 38,760

Enrolled candidates, definite duties for, advised, *Oldham* - - - - - 39,687

Exchange of duties between members of executive branch and, suggestion, *Rainy* 38,417, 38,555-6, 38,651-2, 38,663-9, 38,689-91

Higher posts, pay, &c., and question of promotion, *Kershaw* - - - - - 40,916-21

## LEAVE :

## Privilege :

not Allowed unless officers detained on duty during annual vacation, 15 days and possibility of accumulating advocated, *Le Mesurier* - - - 38,071

Modification of rules and full pay advocated, *Fakhr-ud-din* - - - - - 41,387, 41,501-4

Proposals in Government of India letter (Finance Department) suitable, but 15 days' privilege advised to accumulate if desired for three years, *Oldham* - - - - - 39,709

Reserve not necessary, *Ali Ahmad* - - - 38,750

no Reserve, vacancies filled from list of enrolled candidates, *Le Mesurier* - - - - - 38,056

Very little taken as annual vacation given, and compulsory furlough every five years advocated, *Mullick* - - - - - 41,776

Munsif need not go through executive branch, and same recruitment for both functions not necessary, *Kingsford* - - - - - 39,468

Names of heavy districts, *Ali Ahmad* - - - 38,862

Officiating officers, suitable allowance advised, *Oldham* - - - - - 39,687

One seat on local bench of High Court advised, *Oldham* - - - - - 39,714

## PAY :

Comparison with executive branch, *Kingsford* 39,257, 39,430-3

Improvement under consideration, *Le Mesurier* - - - 38,066

## PROBATION :

Allowance, amount suggested, *Fakhr-ud-din* 41,380  
under Government pleader for two years advised, *Kingsford* - - - - - 39,257

Too long, reduction of term of practice to one year advocated, *Fakhr-ud-din* 41,380, 41,481-2, 41,489-95

Block and levelling up of service to, not of any use, *Oldham* - - - - - 40,101-3

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## Judicial Branch, P.C.S.—continued.

## PROMOTION :

to Judicial Branch, I.C.S., advocated, *Hasan Imam* 41,520, 41,561, 41,576

Method and success, *Ali Ahmad* - - - 38,752

by Selection above rank of munsif, on recommendation of High Court, *Le Mesurier* - 38,059

## RECRUITMENT :

## Age :

25 advocated and three years' practice might be dispensed with, *Mullick* - - - 42,031-3

29 advocated, *Fakhr-ud-din* - - - - - 41,378

Reduction advised, and remarks *re* effect, *Oldham* - - - 39,687, 39,858-9, 40,051-64

from Bar advocated, and scheme, *Fakhr-ud-din* 41,378

Class representation, desirable, *Le Mesurier*, 38,045; *Fakhr-ud-din*, 41,378.

Men too old on, and suggestion that requirement of three years' practice at the Bar should be dispensed with, *Le Mesurier* - - - 38,045

Present system favoured, but abolition of three years' practice at Bar for munsifs advocated, *Mullick* - - - - - 41,772

Rate dependent on number of vacancies, *Le Mesurier* - - - - - 38,058

Retention of present method advocated, *Masharuf Haque* - - - - - 40,478, 40,501-3

Rules, *Le Mesurier* - - - - - p. 24-5

Rules out of date and revision under consideration, *Le Mesurier* - - - - - 38,045

Scheme, *Fakhr-ud-din* - - - - - 41,378

Three years' practice for munsifs, retention advised, *Hasan Imam* - - - - - 41,622-6

## SEPARATION FROM EXECUTIVE BRANCH :

Advocated, *Sinha*, 40,996; *Fakhr-ud-din*, 41,382.  
no Change desirable, *Filgate*, 39,525; *Le Mesurier*, 38,004.

Criminal branch of executive should be joined with judicial and placed under High Court, *Ali Ahmad* 38,754

Necessary to some extent, and details *re* combination, *Madhu Sudan Das* - 39,112, 39,218-8

Suggested to some extent at headquarters, *Oldham* 39,696

Theoretically approved, but present system suited to country, *Mullick* - - - 41,772 (f)

Temporary assistance given in congested districts, *Oldham* - - - - - 39,960

Touting for appointments damaging to self-respect, *Kingsford* - - - - - 39,257

## TRAINING :

Attendance at courts not necessary, and one year sufficient, and three years' practice unnecessary, *Oldham* - - - - - 39,687, 40,051-61

no Departmental examinations *Le Mesurier* 38,053

Practice at bar not of much importance, and question of practical training, *Fakhr-ud-din* 41,482-3, 41,489-95

System considered satisfactory, *Ali Ahmad* 38,746

no System, *Le Mesurier* - - - - - 38,052

after Taking up appointment, proposal, *Le Mesurier* 38,045

Vacations, *Ali Ahmad* - - - - - 38,842, 38,857-61

Judicial Service, separate, advocated and details, *Sinha* 40,980, 40,996

## K.

Kanungos, increase in number suggested, *Rama Ballabh Misra* - - - - - 40,405, 40,420

Kershaw, Louis James, C.I.E. I.C.S., evidence of 40,668-944

Kingsford, Douglas Hollinshead, I.C.S., evidence of 39,227-493

Krishna Sahay, evidence of - - - - - 40,105-234

## L.

Land Records, Director (see Director of Land Records and Agriculture).

Landlords, feeling of insecurity in consequence of case of Rajendra Narayan Singh, *Krishna Sahay* 40,227-31

B

Languages (*see under Syllabus under Indian Civil Service Examination, and also under Vernaculars*).

#### Law:

Comparison of knowledge of lawyers and civilians, *Rama Ballabh Misra* - - - - - 40,388-98

#### HIGHER STUDY:

Examination with suitable rewards advised, and as condition of appointment as judge, *Kingsford*

39,248

no Special course of study, *Ali Ahmad* 38,731-2, 38,733

no System for encouragement analogous to that for Oriental languages advocated, *Le Mesurier*

37,987

Knowledge of, less important than knowledge of facts, *Kingsford* - - - - - 39,232

Knowledge of fundamental principles important, *Madhu Sudan Das* - 39,086, 39,153-8, 39,170-1

Practical training in India preferred to training in England, *Madhu Sudan Das* 39,211-2, 39,224-5

Preliminary training in India, difficulties, *Le Mesurier*, 37,979, 38,265-8; *Ali Ahmad*, 38,725.

Proficiency, raising of standard of department examination advocated and officers might be attached to High Court, *Hasan Inam* - - - - - 41,543

Steps to improve knowledge suggested, *Krishna Sahay*, 40,139; *Mazharul Haque*, 40,467; *Mullick*, 41,739.

Study during probation, and examinations during first few years of service advocated, *Sinha* - 40,979 (*see also under Course of Study under Probation and under Syllabus under Indian Civil Service Examination.*)

Lawyers' fees, *Sinha* . . . . 41,064, 41,069-70

#### Leave, I.C.S.:

##### ALLOWANCES:

less Adequate than formerly, *Le Mesurier* - 38,021

Half average salary, amount of furlough taken probably reduced by, but no complaints heard, *Le Mesurier* - - - - - 38,073

Higher to people taking furlough out of India, question of reduction, *Kershaw* - - - - - 40,823-4

Indadequate, and increase suggested, *Le Mesurier*, 38,023-4; *Oldham*, 39,668, 39,754, 39,756, 40,044-5; *Kershaw*, 40,718, 40,804; *Mullick*, 41,753, 41,756.

Maximum, increase advocated, *Le Mesurier*, 38,026, 38,154; *Rainy*, 38,411; *Oldham*, 40,044-5; *Kershaw*, 40,720.

Maximum and minimum limits suitable, *Oldham*, 39,708; *Mullick*, 41,757.

Privilege rate of exchange:

Abolition advocated, *Sinha* - - - - - 40,987

no Change advocated, *Le Mesurier*, 38,025; *Oldham*, 39,699; *Kershaw*, 40,719, 40,818-21; *Mullick*, 41,757.

Rate of exchange, *Le Mesurier* - - - - - 38,331-4

(*see also under Listed Posts.*)

Compulsory every year, not approved, *Oldham*

39,800-1

Differentiation for racial considerations not approved, *Krishna Sahay*, 40,156, 40,176-9; *Sinha*, 41,001.

Distinction between European and Indian services, question of, *Rama Ballabh Misra* - - - - - 40,273

Distribution of absentees over service different from formerly, and reasons, *Le Mesurier* - - - - - 37,999

ON FULL PAY (PRIVILEGE):

Amount earned suitable, *Mullick* - - - - - 41,756

Combination with furlough, result of rules allowing, *Le Mesurier* - - - - - 38,021

during Hot weather, absences on, common, and number absent usually exceed normal proportion, *Le Mesurier* - - - - - 37,999

One month, compulsory, proposal not favoured, *Le Mesurier* - - - - - 38,209-11

Rules give rise to hardship and leave should be allowed to accumulate up to six months, and taken in combination with furlough, *Oldham* -

39,672, 39,754

Seldom allowed to lapse, *Le Mesurier* - - - - - 38,022

for Short periods in India rarely or never refused to officers, *Le Mesurier* - - - - - 38,022

Leave, I.C.S.—continued.

ON FULL PAY (PRIVILEGE)—continued.

Statistics, 1892, 1896, 1902, 1907, 1911, *Le Mesurier* p. 18

not usually Taken during cold weather, *Le Mesurier* 37,999

Tendency to refuse, and hardship, *Mullick* 41,754

#### FURLOUGH:

Amount due generally taken and advantage of present allowance, *Mullick* - - - - - 41,755

After six years' service instead of eight advocated, *Oldham* - - - - - 39,667

Less taken than formerly, *Le Mesurier*, 38,021; *Oldham*, 39,666.

Less taken on the average than actually due, but restriction of amount not advocated, *Rainy*

38,410, 38,474

Local Government should have power re length of, &c., *Rainy* - - - - - 38,476

Maximum number who may be absent, furlough usually granted up to, *Le Mesurier* - - - - - 37,999

on Medical Certificate Statistics, 1892, 1896, 1902, 1907, 1911, *Le Mesurier* - - - - - p. 18

Proposal of Government of India to allow, at rate of one-tenth of service at any time up to two years' maximum approved, *Le Mesurier* - 38,078

Statistics, 1892, 1896, 1902, 1907, 1911, *Le Mesurier* - - - - - p. 18

Tendency for service officers to take less than formerly, *Le Mesurier* - - - - - 38,023

Less taken, *Mullick* - - - - - 41,753

for Listed posts (*see under Listed Posts*).

Number of officers of each class who should have been absent on, at beginning of each quarter, 1912-13, and actual number, *Le Mesurier* 37,999

Opinions expressed in letter of I.C.S. Association, Bengal Branch, adhered to, *Kingsford* 39,252

Opinions of Government of province agreed with in the main, *Kingsford* - - - - - 39,310

Period of probation should commit towards, *Mazharul Haque* - - - - - 40,483

on Private affairs, combining of, with privilege leave, practice of, *Le Mesurier* - - - - - 37,999

Privilege (*see under Full Pay above*).

#### RULES:

not Cause of excessive transfers, *Rainy* - - 38,413

Proposals of Government of India approved, *Rainy*, 38,412; *Oldham*, 39,667.

Separate sets not necessary, *Oldham* - - - 39,673

should be Simplified by removal of present restrictions, *Le Mesurier*, 38,023, 38,028, 38,154; *Rainy*, 38,412, 38,475; *Kershaw*, 40,722.

(*see also under Listed Posts.*)

Senior officers on, number in cold weather less than formerly, *Le Mesurier* - - - - - 37,999, 38,021

Six months frequently taken by officers of under 8 years' service, *Le Mesurier* - - - - - 37,999, 38,146-8

SPECIAL, EXTRAORDINARY WITHOUT ALLOWANCES, &c.:

Conditions generally suitable, *Le Mesurier*, 38,027; *Kershaw*, 40,721.

Statistics, 1892, 1896, 1902, 1907, 1911, *Le Mesurier* - - - - - p. 18

Taken at more frequent intervals, *Oldham* - 39,666

#### Leave, P.C.S.:

##### ALLOWANCES:

Increase desired, *Ali Ahmad* - - - - - 38,814-5

Increase would follow reorganisation, *Kershaw* 40,748

Maximum and minimum:

Suitable, *Le Mesurier*, 38,074; *Oldham*, 39,707; *Kershaw*, 40,747-8.

not Suitable, *Ali Ahmad* - - - - - 38,770

Amendments under consideration approved, *Mullick* 41,777

Classing of, under privilege leave, furlough, and leave without pay, suggestion, *Ali Ahmad* - 38,771

Executive Branch (*see that title*).

ON FULL PAY (PRIVILEGE):

not permitted to judicial officers, and not often obtained by executive, and suggestion, *Ali Ahmad* - - - - - 38,767

Leave, PCS—*continued*ON LEAVE PAY (PRIVILEGE)—*continued*

privilege for One month after 11 months' service, advocated and accumulation should be allowed, *Ali Ahmad* - - - - - 38,816-7

## FURLOUGH

full Amount rarely taken but restriction undesirable *Le Mesurier* - - - - - 38,070, 38,072

Furlough on full pay, certain amount advised, *Oldham* - - - - - 39,707

One month should be allowed for every year of service, *Ali Ahmad* - - - - - 38,771

Judicial Branch (*see that title*)

## ON MEDICAL CERTIFICATE

should be Given in special circumstances when neither furlough nor privilege leave due, *Ali Ahmad* - - - - - 38,771

Proposal of Government of India to allow, unconditionally subject to total maximum of 3 years and at one time of 2 years approved, *Le Mesurier* - - - - - 38,078

seldom Refused though sometimes postponed, *Le Mesurier* - - - - - 38,070

## RESERVE

Adequate, *Le Mesurier* - - - - - 38,070

Inadequate *Rama Ballabh Misra* 10,257, 10,413

## RULES

Alterations recommended by Government of India suitable *Le Mesurier*, 18,078, *Ali Ahmad* 38,771 *Kershaw*, 10,752

not Cause of excessive transfers *Le Mesurier*, 38,077, *Ali Ahmad* 38,773, *Kershaw* 10,750-1

Difference from ICS should not be so great *Ali Ahmad* - - - - - 38,774

no Inconvenience caused to administration, *Le Mesurier*, 18,076, *Ali Ahmad*, 38,772, *Kershaw*, 10,750-1

Special Extraordinary, &c alterations recommended by Government of India suitable *Le Mesurier*, 38,075, 38,078, *Kershaw*, 10,749, 10,752

never Taken for rest or recreation owing to scale of allowances and restrictions, *Ali Ahmad* 38,766, 38,813-4

(*see also under* Executive Branch, PCS)

Legal profession, strong opinion in favour of separation of judicial and executive functions *Sinha* H 129-32

Legal Remembrancer, functions duties and procedure, *Mullick* - - - - - 11,912-7, 11,992-2003

*Le Mesurier*, Havilland, C S I, C I E, I C S, evidence of - - - - - 37,934-38,380

## Lieutenant Governor

Pay on the 1st April 1912 *Le Mesurier* - - - - - 38,007

Pension increase advocated *Oldham*, 39,676, *Mullick* 11,754

special Pension advocated, *Le Mesurier*, 38,034, *Kershaw*, 10,727

## Listed Posts

## ABOLITION

Advocated, but retention in Executive Branch not objected to, *Mazharul Haque* - - - - - 40,512-6

not Advocated, *Rama Ballabh Misra* 40,239, 40,295

Possible in future when larger number of Indian members in ICS, *Madhu Sudan Das* - - - - - 39,129

on Reduction would have had effect on judicial service, *Ramny* - - - - - 38,536

All not held by members of PCS, *Ali Ahmad* 38,704, 38,707

## APPOINTMENT TO

at Earlier age advocated, *Ramny*, 38,481-5, 38,670-5, *Ali Ahmad*, 38,755, 38,880-5, *Kershaw*, 40,740-1, 40,746, 40,775-9, *Fakhri ud din*, 11,420-2

at Earlier age followed by period of training in England

Advocated, *Campbell*, 38,921, 38,928-30, 38,961-5, *Mullick*, 41,898-910, 41,930

not Advocated, *Oldham* - - - - - 39,947-52

Present system satisfactory, *Jameson* - - - - - 41,339-9

by Selection proposed, *Ramny* - - - - - 38,653-4

Listed Posts—*continued*

Class of posts suitable, *Le Mesurier*, 37,965, *Ali Ahmad*, 38,709, *Campbell*, 38,930, *Figate*, 39,510, 39,593-5, *Oldham*, 39,626, 40,104, *Rama Ballabh Misra*, 10,248, 10,260, *Kershaw*, 40,688, *Jameson*, 41,213, *Hasan Imam*, 41,530, *Mullick*, 41,721

Class of posts not suitable, and alterations suggested, *Krishna Sahay*, 40,131, *Fakhri ud din*, 41,364

Difficulty of finding districts which can be placed in charge of members of PCS, *Le Mesurier* - - - - - 37,961

Existence of, an important attraction to PCS, *Ramny* - - - - - 38,418

## INCREASE

Advised, *Ali Ahmad*, 38,755, *Madhu Sudan Das*, 39,147, *Oldham*, 40,104, *Krishna Sahay*, 40,128, *Rama Ballabh Misra*, 40,248, 40,260, *Mazharul Haque* 40,460-1 40,463, 40,605-8, 40,622-4, *Hasan Imam*, 41,687, *Mullick*, 41,772 (A), 41,780

to One quarter advised, and effect on number of Europeans in ICS, *Fakhri ud din* 41,357, 41,362, 41,452-62

to One third of ICS cadre advocated, *Mullick* 41,705, 41,785-6, 41,900-2

Probably desirable in future, *Kershaw* 40,675, 40,764, 40,770-80

Question of, *Oldham* - - - - - 39,844-8

## INTERIOR MERGING IN PCS

Advantages of, to Government, *Oldham* - - - - - 39,625

Approved, *Ali Ahmad*, 38,708, 38,756, *Figate*, 39,509, *Jameson*, 41,212, *Mullick*, 41,720, 11,772 (7)

not Approved *Ali Ahmad*, 38,689, *Krishna Sahay*, 40,130, *Rama Ballabh Misra*, 40,247, 40,333, *Mazharul Haque*, 40,462, *Kershaw*, 10,741, 40,882-4, *Sinha*, 40,970, *Fakhri ud din*, 41,363

Loss of status considered a grievance rather than the loss of pay, *Le Mesurier* - - - - - 38,874-7

Prospects of PCS improved by, *Le Mesurier* 37,964

Source of some dissatisfaction and reasons, *Madhu Sudan Das*, 39,095, 39,131-4, *Oldham*, 39,625

Unpopular with service and public, and reasons, *Le Mesurier* - - - - - 37,964

## LEAVE

Allowance should be increased to two thirds of pay drawn at time if amount of furlough admissible in 30 years' service not increased, *Ali Ahmad* - - - - - 38,769

Furlough not taken unless necessary for illness or urgent affairs, and reasons, *Ali Ahmad* 38,768

## RULES

Continuance of present rules advocated, *Kershaw*, 40,723, *Mullick*, 41,758

Distinction from ICS rules not inequitable, *Le Mesurier* - - - - - 38,027

Equality with ICS advocated, *Sinha*, 40,988, 41,036-9, *Fakhri ud-din* 41,377

no Inconvenience, *Le Mesurier*, 38,027, *Kershaw*, 40,723

List of members of PCS and Statutory Service, and non-Provincial holding, since 1st April 1912, *Le Mesurier* - - - - - 37,962

no Indians other than members of PCS appointed to, *Le Mesurier* 37,962, *Ali Ahmad*, 38,706

Names of officers, holding, *Le Mesurier* - - - - - 37,961

no Necessity for, in Judicial Branch if proposed scheme adopted, *Mazharul Haque* 40,460-1, 40,512-6

Number of officers in *Le Mesurier* - - - - - 38,110

## PAY

60 per cent of ICS pay suggested, *Kershaw* 40,717, 40,746, 40,777-9, 40,922-5

Equal to ICS advocated, *Madhu Sudan Das*, 39,106, 39,127-8, *Mazharul Haque*, 10,476, 40,512-4, *Fakhri ud din*, 41,376, 41,386, 41,423, 41,511-3

Inadequacy of, *Ali Ahmad* - - - - - 38,765, 38,818-24

Judges, less than two thirds of ICS pay, *Ali Ahmad* - - - - - 38,905-8

## Listed Posts—continued.

## PAY—continued.

one Time scale advocated, *Kershaw* - 40,746  
if Time scale is introduced officer of Statutory and  
Provincial services should draw two thirds of,  
and full charge allowances, *Le Mesurier* 38,019  
Three quarters of pay of I.C.S. advocated, *Rama  
Ballabh Misra*, 40,261; *Sinha*, 40,986, 41,000,  
41,034-9, 41,181.

## Two thirds rule:

Approved, *Filgate*, 39,522; *Oldham*, 39,665,  
39,706, 39,835-48, 40,086-91; *Krishna Sahay*,  
40,145, 40,155; *Kershaw*, 40,717, 40,746,  
40,777-9, 40,922-5; *Jameson*, 41,225, 41,230,  
41,324-30; *Hasan Imam*, 41,548, 41,553;  
*Mullick*, 41,752, 41,775.

not Approved, *Ali Ahmad*, 38,765; *Madhu  
Sudan Das*, 39,106, 39,127-8.

Generally suitable, but officer promoted to  
higher appointment should receive same pay  
as officer of I.C.S., *Le Mesurier* - 38,019

## PENSION:

Rs. 6,000 suggested, *Le Mesurier* - 38,038, 38,365  
Rs. 8,000 maximum, certain questions would have  
to be considered, *Le Mesurier* - 38,365-7

Extra amount after three years' service in, and  
increase for meritorious service advocated,  
*Oldham* - 39,681, 39,712

not Less than Rs. 600 a month advocated, *Rama  
Ballabh Misra* - 40,277

Maximum should be Rs. 9,000, *Ali Ahmad* 38,777,  
38,825-7

P.C.S. officers confirmed in posts should be allowed  
extra pension of Rs. 1,000 a year, otherwise  
scale suitable, *Le Mesurier* - 38,080

Two thirds of pensions of I.C.S. advocated,  
*Hasan Imam* - 41,639

Unsuitable, and increase of maximum advocated,  
*Kershaw* - 40,731, 40,933-6

POWER TO FILL ONE QUARTER WITH INDIANS OTHER  
THAN MEMBERS OF P.C.S. OR STATUTORY  
CIVILIANS:

Approved, *Kershaw* - 40,891-2

not Approved, *Sinha* - 40,969

not Exercised, *Le Mesurier*, 37,963; *Ali Ahmad*,  
38,705-7.

Larger proportion advised, *Madhu Sudan Das*  
39,094

Proportion should not be fixed, and efficiency  
only factor, *Filgate* - 39,508

Selection by Local Government preferred to, or  
any fixed rule as to proportion, *Jameson* 41,211

Preferred to statutory service, *Kershaw* - 40,891

Promotion to I.C.S. by main door for Indians if  
separate examination not introduced, and probably  
no lack of suitable men, *Rama Ballabh Misra* 40,260

Provision for families on same footing as covenanted  
officers, advocated, *Mullick* - 41,768

Statement in appendix correct, *Le Mesurier*, 37,960;  
*Mullick*, 41,718.

System approved and retention desirable, *Rainy*,  
38,418; *Ali Ahmad*, 38,755; *Madhu Sudan Das*,  
39,093, 39,222; *Filgate*, 39,507; *Oldham*, 39,697,  
39,733-4; *Krishna Sahay*, 40,128; *Mazharul Haque*,  
40,622-4; *Kershaw*, 40,740-1, 40,746, 40,775-9;  
*Sinha*, 40,968, 40,971, 41,009; *Jameson*, 41,210,  
41,331-9; *Fakhr-ud-din*, 41,349, 41,425; *Mullick*,  
41,772(b).

System not satisfactory, and alterations suggested,  
*Kingsford* - 39,256

Test by selection advocated, *Kingsford* - 39,470  
(see also particular posts.)

## M.

*Macaulay*, Lord, Committee of, principles laid down  
by, approved, *Le Mesurier*, 37,951, 37,973; *Rainy*,  
38,390; *Ali Ahmad*, 38,690, 38,696, 39,719; *Kings-  
ford*, 39,237; *Oldham*, 39,616, 39,634; *Kershaw*,  
40,680, 40,694; *Hasan Imam*, 41,525, 41,534; *Mullick*,  
41,709, 41,727.

*Madhu Sudan Das*, evidence of - 39,081-226

Magistracy, amalgamation with judicial line advocated,  
*Mazharul Haque* - 40,517, 40,582-5

## Magistrates:

Additional, appointment of, tends to deprive district  
magistrates of objectionable executive powers,  
*Mullick* - 41,843-5

Amalgamation of posts of, with deputy magistrates  
and munsifs under new designation, and recruit-  
ment from legal profession advocated, *Mazharul  
Haque* - 40,447

## ASSISTANT:

Investment with powers of munsif, advocated, *Ali  
Ahmad* - 38,739

Number and rate of pay, *Le Mesurier* - 38,006-7

Rules for training - p. 283-4

Consultation of public prosecutors by, *Rainy*  
38,526-30

District, see Collectors and District Magistrate.

European preferred by people, *Jameson* 41,312-21

## LISTED POSTS:

Designation of "joint magistrate" for officers in  
charge of criminal work at headquarters would  
not be objected to, *Le Mesurier* - 37,964

Dropping of title of "joint magistrate" and using  
titles of "assistant collector" and "deputy  
collector" would be advantageous, *Le Mesurier*  
38,182

Longer stay in one place intended by Government and  
importance of, *Campbell* - 39,052-3

Number and rates of pay, *Le Mesurier* - 38,007

Presidency, no difference between Calcutta and  
Bombay, *Kingsford* - 39,423

Pay of, dissatisfaction, *Oldham* - 39,657, 39,751-3

Second and Third Class, appeals from, suggestions  
re transfer, *Kingsford*, 39,437; *Oldham*, 39,655,  
39,761-4, 39,974-86.

Senior, entrusting of judicial and magisterial powers  
of district officer to, not advised, *Kingsford* 39,250

Supervision by district judges instead of by district  
magistrates approved if adequate, *Rainy* 38,548-51

Training rules - p. 283-4

Unpopular, after settlement work, *Mazharul Haque*  
40,577-8, 40,612-5

## Magistrates, Deputy:

Amalgamation of posts of, with magistrates and  
munsifs under new designation, and recruitment  
from legal profession advocated, *Mazharul Haque*  
40,447, 40,582-5

Better judges than men recruited from bar, *Rama  
Ballabh Misra* - 40,423-4

Decisions not influenced by fact of being sub-  
ordinate to district magistrate, *Kingsford*, 39,380-7,  
39,458-9; *Oldham*, 40,030.

Difficulty in getting suitable house, and Govern-  
ment might help, *Rama Ballabh Misra* 40,427-9

## DUTIES OF:

Compared with joint magistrates, *Le Mesurier*  
38,347-51

Details, *Kingsford* - 39,250, 39,367

Revenue cases dealt with, *Madhu Sudan Das*  
39,112, 39,142-3

Try criminal cases, *Kingsford*, 39,232; *Krishna  
Sahay*, 40,151.

same Educational qualification as for sub-deputy  
magistrate, *Fakhr-ud-din* - 41,339

Grade, an additional suggested, *Krishna Sahay*  
40,154

Number of posts, *Ali Ahmad* - 38,759

## PAY:

Higher, suggested for men specially appointed to  
do judicial work, *Madhu Sudan Das* - 39,221

**Magistrates, Deputy—continued.****PAY—continued.**

Increase advocated, <i>Sinha</i> - - -	41,183-91
Minimum should be increased, <i>Krishna Sahay</i> - - -	40,154
Rates of, <i>Ali Ahmad</i> - - -	38,759
Position of district magistrate third grade listed officer worse than that of, <i>Rama Ballabh Misra</i> - - -	40,432-5

**POWERS:**

Executive and criminal exercised by, <i>Madhu Sudan Das</i> - - -	39,213-8
Number vested with first-class powers, <i>Ali Ahmad</i> - - -	38,754
Question of ability and work, and increase of pay advocated, <i>Sinha</i> - - -	41,183-91
Rules for training - - -	p. 263-4

**Magistrates, District (see Collectors and District Magistrates).****Magistrate, Honorary:**

Retired Government officers, in many cases, <i>Le Mesurier</i> - - -	38,201-3
Work done by, and success of, <i>Le Mesurier</i> - - -	38,134-7

**Magistrate, Joint:**

Designation desired by members of P.C.S., <i>Le Mesurier</i> - - -	38,118
Gap between first grade of, and lowest of collectors too big, and grade, at Rs. 1,200, suggested, <i>Oldham</i> - - -	33,656, 39,752, 39,798-9
Investment with powers of subordinate judge advocated, <i>Ali Ahmad</i> - - -	38,739
Many districts left without, for long periods, and work done by deputy collectors, <i>Le Mesurier</i> - - -	38,144, 38,183-4
Number and rates of pay, <i>Le Mesurier</i> - - -	37,992, 38,006, 38,007
Training of judicial officers as, advised, <i>Kingsford</i> - - -	39,248
Training rules - - -	pp. 263-4
Unpopular after settlement work, <i>Mazharul Haque</i> - - -	40,577-8, 40,612-5
Work of, and comparison with that of deputy collectors, <i>Le Mesurier</i> - - -	38,185-94
Work of receiving complaints entrusted to, <i>Kingsford</i> - - -	39,250

**Magistrates, Sub-deputy:**

same Educational qualification required as for deputy magistrate, <i>Fakhr-ud-din</i> - - -	41,389
Try criminal cases, <i>Krishna Sahay</i> - - -	40,151
Unjust treatment of, and inclusion in P.C.S. advocated, <i>Hasan Imam</i> - - -	41,580-1

**Magistrates, Subordinate:**

Independence in decisions, question of, <i>Krishna Sahay</i> , 40,233-4; <i>Mullick</i> , 41,840-1, 41,921-9.	
Nature of work, <i>Le Mesurier</i> - - -	38,004

**Medical Department, time scale in force and works well, *Le Mesurier* - - -****Military Officers:**

in Political Department, success of, <i>Le Mesurier</i> - - -	37,958-9
some Political appointments should be held by, <i>Madhu Sudan Das</i> - - -	39,165-70

**RECRUITMENT FOR I.C.S. POSTS:**

not Advocated, <i>Le Mesurier</i> , 37,958-9; <i>Oldham</i> , 39,624; <i>Krishna Sahay</i> , 40,126-7; <i>Mazharul Haque</i> , 40,458-9; <i>Kershaw</i> , 40,685-6; <i>Sinha</i> , 40,966-7, 41,059-60; <i>Jameson</i> , 41,209; <i>Fakhr-ud-din</i> , 41,361; <i>Hasan Imam</i> , 41,529; <i>Mullick</i> , 41,716-7.	
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**Military Officers—continued.****RECRUITMENT FOR I.C.S. POSTS—continued.**

Desirable for some appointments, and some political ones, <i>Madhu Sudan Das</i> - - -	39,091
Successful administration by, <i>Oldham</i> - - -	39,623

**Misra, Pandit R. B., evidence of - - -**

Moslem League of Muzaffarpur, views of, <i>re</i> recruitment for I.C.S., <i>Fakhr-ud-din</i> - - -	40,235-436 41,395-419
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**Muhammadans:**

Advance in education, and competition more advantageous to, than nomination, <i>Mazharul Haque</i> - - -	40,444, 40,488-94, 40,520-34, 40,551-74, 40,598
Ahead of creed and make better officers than high caste Hindus, <i>Campbell</i> - - -	38,983
Change in opinions, <i>Mazharul Haque</i> - - -	40,619-20
in favour of simultaneous examinations, <i>Sinha</i> - - -	40,950, 40,952, 41,081

**IN PROVINCIAL CIVIL SERVICE:**

not Appointed to, and consequent dissatisfaction, <i>Ali Ahmad</i> - - -	38,798
Numbers in Judicial Branch of, <i>Le Mesurier</i> - - -	38,050
Representation of, question of, and suggestions, <i>Oldham</i> , 40,065-85; <i>Fakhr-ud-din</i> , 41,341, 41,395-419.	
Simultaneous examinations no drawback to, <i>Hasan Imam</i> - - -	41,567-8

**Mullick, Basanta Kumar, I.C.S., evidence of - - -****Munsifs:**

Amalgamation of magistrates and deputy magistrates with, under new designation, and recruitment from legal profession advocated, <i>Mazharul Haque</i> - - -	40,447
Designation, change to "Assistant Subordinate Judge" suggested, <i>Ali Ahmad</i> - - -	38,748
Difficulty in getting suitable house and Government might help, <i>Rama Ballabh Misra</i> - - -	40,427-9

**DUTIES:**

Convictions and appeals, statistics and conclusions drawn, <i>Kingsford</i> - - -	39,250, 39,367
Judicial duties may be entrusted to, under control of collector and district magistrate, <i>Madhu Sudan Das</i> - - -	39,112
Removal of cases of over Rs. 1,000 to subordinate judges from, proposed, and reasons, <i>Sinha</i> - - -	40,995, 41,061-2, 41,068
Summary disposal of petty cases by, and entrusting of administration of civil and criminal justice to, would not be objected to, <i>Rainy</i> - - -	38,554
Try Civil suits, <i>Krishna Sahay</i> - - -	40,151
Equal if not superior to district judges <i>re</i> decisions based on law, and good also in decisions on fact, <i>Hasan Imam</i> - - -	41,690-2
no Fault with work of, <i>Campbell</i> - - -	39,070

**GRADING:**

Additional grade suggested, <i>Sinha</i> - - -	40,990
Alteration of, suggested, <i>Ali Ahmad</i> , 38,760; <i>Mullick</i> , 41,772(g).	
Regrading desirable, <i>Oldham</i> - - -	39,813
Indian, decisions on fact and law satisfactory, and comparison with Europeans, <i>Sinha</i> - - -	41,173-5

**NUMBER OF:**

Increase needed, <i>Kingsford</i> , 39,480-1; <i>Rama Ballabh Misra</i> , 41,381; <i>Fakhr-ud-din</i> , 41,433-5; <i>Mullick</i> , 41,772(g), 41,857.	
Present number, <i>Ali Ahmad</i> - - -	38,759

**PAY:**

Minimum, increase suggested, <i>Le Mesurier</i> , 38,066; <i>Krishna Sahay</i> , 40,154; <i>Mullick</i> , 41,772 (o).	
Present rates, <i>Ali Ahmad</i> - - -	38,759
Suggested rates, <i>Ali Ahmad</i> - - -	38,760
Probationary, should be attached to office of District Judge, and draw some officiating pay, <i>Fakhr-ud-din</i> - - -	41,380

**Munsifs—continued.****POWERS OF :**

How exercise criminal powers in Chota Nagpur, <i>Le Mesurier</i> - - - - -	38,061
have Magisterial powers in some backward out- lying districts, <i>Oldham</i> - - - - -	39,696
Some have small cause powers, <i>Sinha</i> - - - - -	11,065

**RECRUITMENT OF :**

Selection from men of three years' standing, minimum, <i>Le Mesurier</i> - - - - -	38,317-9
Three years' practice at the Bar, abolition advo- cated, <i>Mullick</i> - - - - -	41,772
Subscribers to General Provident Fund, Number of, <i>Le Mesurier</i> - - - - -	38,082
no Substantive appointment made since April 1st, 1912, <i>Le Mesurier</i> - - - - -	38,017

**TRAINING OF :**

Employment as deputy collectors for a year or two suggested, <i>Rainy</i> - - - - -	38,417, 38,489-91, 38,555-6, 38,651-2, 38,663-9
Men with settlement training make better judges, <i>Kingsford</i> - - - - -	39,353
Suggestions, <i>Kingsford</i> - - - - -	39,468
Training of judicial officers by working as, advised, <i>Madhu Sudan Das</i> , 39,103; <i>Kingsford</i> , 39,248.	
Unprofessional English civilian judges superior to, and remarks re, <i>Kingsford</i> - - - - -	39,232, 39,334-9, 39,363-8, 39,427-30

**N.**

Natives of India (see Indians).

**O.**

Oldham, Charles E. A. W., I.C.S., evidence of  
39,597-40,104

Open Competition in England (see Indian Civil Service Examination).

Oriental Languages (see under Syllabus under Indian Civil Service Examination, and also under Vernaculars).

Orissa, conditions, *Le Mesurier*, 38,088; *Madhu Sudan Das*, 39,119, 39,201-2.

Overwork (see Insufficiency of Staff).

**P.****Pay, I.C.S. :****ACTING ALLOWANCES :**

Full pay of post for officiating appointment suggested, <i>Mullick</i> - - - - -	41,745, 41,748
no Inconvenience caused by rules, but fairer if officers holding charge of posts involving in- creased responsibility were allowed full pay or charge allowance, <i>Le Mesurier</i> - - - - -	38,013
Rules work rather unequally, but nothing better possible if graded system retained, <i>Kershaw</i> - - - - -	40,711
System accepted, <i>Oldham</i> - - - - -	39,662
Advances, drawn by assistant collectors, <i>Kershaw</i> - - - - -	40,941-4

**EXCHANGE COMPENSATION ALLOWANCE :**

Abolition: Advocated, <i>Le Mesurier</i> , 38,011-2; <i>Oldham</i> , 39,059; <i>Madhu Sudan Das</i> , 39,105; <i>Mazharul Haque</i> , 10,474; <i>Kershaw</i> , 40,709-10; <i>Sinha</i> , 40,984-5; <i>Syed Hasan Imam</i> , 41,546; <i>Mullick</i> , 41,747.	
or Extension to all present members advocated, <i>Krishna Sahay</i> , 40,144; <i>Sinha</i> , 40,984-5.	
if Abolished, pay should be increased, and no dis- tinction made between Indian and European members, <i>Le Mesurier</i> , 38,011-2; <i>Rainy</i> , 38,404 -5; <i>Kershaw</i> , 40,709-10, 40,924; <i>Sinha</i> , 40,985; <i>Hasan Imam</i> , 41,546.	
a Partial remedy only, <i>Le Mesurier</i> - - - - -	38,008
Refusal to Indians a hard-ship, and compensation for loss in past years suggested, <i>Mullick</i> 41,747	
Fall in exchange and rise in cost of living since existing rates fixed, <i>Oldham</i> - - - - -	39,597

**Pay, I.C.S.—continued.**

First-class passage to India on appointment, advo-  
cated for young civilians, *Le Mesurier*, 37,971;  
*Oldham*, 39,632; *Kershaw*, 40,692.

Higher grades, removal of inequalities in two  
branches advocated, *Mullick* - - - - - 42,036-9

**INCREASE :**

Advocated, <i>Le Mesurier</i> , 38,008-9; <i>Rainy</i> , 38,403; <i>Filgate</i> , 39,557; <i>Rama Ballabh Misra</i> , 40,308; <i>Kershaw</i> , 40,706-7, 40,710, 40,718, 40,801-5, 40,811, 40,824, 40,940-4; <i>Hasan Imam</i> , 41,552, 41,582; <i>Mullick</i> , 41,770, 42,039-42.	
to All members alike advocated, <i>Oldham</i> , 39,660; <i>Hasan Imam</i> , 41,547.	
Minimum of not less than Rs. 500 a month, suggested, <i>Jameson</i> - - - - -	41,193, 41,198
Opinions expressed by I.C.S. Association, Bengal Branch, in letter to Commission adhered to, <i>Kingsford</i> - - - - -	39,251
Proposals of Government of province agreed with, broadly speaking, <i>Kingsford</i> - - - - -	39,310
Rate of exchange, privileged, question of abolition, <i>Kershaw</i> - - - - -	40,818-36
Rates of, and number of posts in each main grade, 1st April 1912, <i>Le Mesurier</i> - - - - -	38,006-7
Readjustment of grades required to prevent block, <i>Oldham</i> - - - - -	39,703
Retrenchment, difficulties on account of, <i>Oldham</i> - - - - -	39,750
Revision of salaries desirable, <i>Mullick</i> - - - - -	41,746

**TIME-SCALE :**

Advocated, and reasons and schemes, <i>Rainy</i> , 38,403, 38,407-8, 38,471-3, 38,591-2, 38,619-21, 38,655-62; <i>Ali Ahmad</i> , 38,808-12; <i>Kershaw</i> , 40,706, 40,712, 40,715-7, 40,785-96, 40,801-5, 40,812-7, 40,854-5, 40,905-7.	
not Advocated, <i>Mullick</i> - - - - -	41,039
not Advocated, and reasons, but difficulties might be overcome, <i>Oldham</i> 39,663-4, 39,741, 39,743-9, 40,032-5	
Desirable to certain extent, and advantages, <i>Le Mesurier</i> - - - - -	38,008, 38,015
Fixed allowance to officers on, holding certain posts, <i>Kershaw</i> - - - - -	40,712
Minimum of Rs. 425 suggested, <i>Kershaw</i> - - - - -	40,712
Objections to, but modified system of might be useful, <i>Mullick</i> - - - - -	41,746, 41,749, 41,846-53
Officers of Statutory and Provincial Services in listed posts should draw two-thirds pay of civilians and full charge allowances, <i>Le Mesurier</i> - - - - -	38,019
Principles, <i>Le Mesurier</i> , 38,015; <i>Rainy</i> , 38,409.	
Promotion of members of I.C.S. to posts of in- dependent responsibility within reasonable time would not be prevented, <i>Le Mesurier</i> , 38,018 <i>Kershaw</i> , 40,716.	
Separate scales for different appointments not necessary, <i>Rainy</i> , 38,408, 38,472, 38,619-21; <i>Mullick</i> , 41,750.	
Works well in various departments, <i>Le Mesurier</i> - - - - -	38,016
Travelling allowances on transfer, proposals of Government of India for increasing, approved, <i>Le Mesurier</i> - - - - -	38,043, 38,157-9
Uniformity for similar work advised, as far as prac- ticable, <i>Le Mesurier</i> , 38,010; <i>Oldham</i> , 39,658; <i>Kershaw</i> , 40,708, 40,871-3.	

**Pay, P.C.S. :**

Addition of higher grade, or introduction of time- scale advocated, <i>Kershaw</i> - - - - -	40,744, 40,893-7, 40,915-21
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**ADJUSTMENT :**

Principle suitable, <i>Madhu Sudan Das</i> , 39,114, 39,194-5; <i>Oldham</i> , 39,700; <i>Krishna Sahay</i> , 40,153; <i>Mazharul Haque</i> , 40,482; <i>Kershaw</i> , 40,742; <i>Sinha</i> , 40,998; <i>Mullick</i> , 41,772(n).	
should Vary according to province, <i>Fakhr-ud-din</i> - - - - -	41,384, 41,177-80
Equal to members of Police Service rising to superintendents advocated, <i>Hasan Imam</i> - - - - -	41,688
Higher grades, removal of inequalities in two branches advocated, <i>Mullick</i> - - - - -	42,036-9

**Pay, P.C.S.—continued.**

Local allowances should continue, *Le Mesurier* 38,069  
 Officers holding charge of subdivisions, including  
 Sadar subdivision, should receive charge allowance  
 and free quarters, *Le Mesurier* - - - 38,069

**RATES OF PAY AND GRADING:**

Alteration of initial pay, and addition of grade  
 suggested, *Sinha* - - - 19,999, 41,051  
 not Satisfactory, and improvements advocated,  
*Ali Ahmad*, 38,760, 38,775; *Maharul Haque*,  
 40,483; *Kershaw*, 40,675, 40,743-4, 40,764,  
 40,809, 40,893-7, 40,911; *Fakhr-ud-din*, 41,381,  
 41,436-7; *Mullick*, 41,772, 41,857, 42,035-42.  
 same Scale for judicial branch and executive  
 branch advocated, *Fakhr-ud-din* - 41,508-9  
 Rates of, and number of posts, *Le Mesurier*, 38,065;  
*Ali Ahmad*, 38,759.

**TIME-SCALE:**

Advocated, and schemes, *Le Mesurier*, 38,069;  
*Ali Ahmad*, 38,753, 38,764, 38,762-4; *Rama*  
*Ballabh Misra*, 40,309-11; *Kershaw*, 40,744-6,  
 40,893-7, 40,904-7, 40,912-21; *Sinha*, 41,179-  
 81; *Fakhr-ud-din*, 41,381, 41,385.  
 Advocated, if recruitment by open competition  
 adopted, *Sinha* - - - 40,999, 41,179-81  
 not Advocated and would produce inefficiency,  
*Mullick* - - - 41,773-4  
 Efficiency bar would be desirable, *Rainy* 33,655-62  
 would be Favoured if objection that grade promo-  
 tions frequently withheld were removed, *Rainy*  
 38,486-8  
 Objection to, *Rainy*, 38,419; *Rama Ballabh Misra*,  
 40,309-11.  
 no Objection to, *Oldham* - - - 39,703, 39,738  
 Partial introduction recommended, *Le Mesurier*  
 38,068-9, 38,368-70  
 Separate for each class not advised, *Oldham*, 39,704;  
*Mullick*, 41,774.

**TRAVELLING ALLOWANCE:**

1st class, advocated, *Ali Ahmad* - - - 38,780  
 Insufficient, and increase advocated, *Fakhr-ud-din*  
 41,390  
 Transfer allowances advocated, *Ali Ahmad* - 38,780  
 (see also under Executive Branch, P.C.S., and  
 Judicial Branch, P.C.S.)

Pay, Subordinate Service, no immediate change advised;  
 but gradual absorption of service in P.C.S. advised,  
*Oldham* - - - 39,759-60

**Pensions, I.C.S.:**

1,000*l.* importance of, but if shown actuarially that  
 reduction would be favourable in certain circum-  
 stances would be considered, *Rainy* - 38,479-80

**DEDUCTION OF 4 PER CENT. FROM PAY:**

Abolition of, advocated, *Le Mesurier*, 38,031;  
*Kingsford*, 39,255.  
 Allocation of, to Provident Fund, without reduc-  
 tion of pension, would be approved, *Rainy*  
 38,477-8  
 Amount contributed by officer, *Le Mesurier*,  
 38,031; *Kershaw*, 40,797-800.  
 Amount of civilians' contributions should be made  
 known, *Rainy*, 38,478; *Oldham*, 39,676.  
 should Cease after 25 years' service, *Filgate*  
 32,523, 39,526, 39,588  
 if Retained, actuarial examination should be made  
 to ascertain portion contributed by Government  
 and officers, and former raised if necessary,  
*Le Mesurier*, 38,032; *Kershaw*, 40,726, 40,844-5,  
 40,856-8.

**EQUAL ANNUITY SYSTEM:**

Approved, but increase of amount advocated, *Rainy*  
 38,414  
 not altogether Satisfactory, *Oldham* - - 39,674  
 generally Satisfactory subject to certain sugges-  
 tions, *Le Mesurier*, 38,030; *Mullick*, 41,759.  
 Importance of, and attraction of, *Oldham* 39,756-8  
 Inadequate, and increase advised, and compare  
 unfavourably with other services and posts,  
*Oldham* - - - 39,676, 39,754  
 Invalid, increase suggested, *Mullick* - 41,763

**Pensions, I.C.S.—continued.****NON-CONTRIBUTORY:**

of 1,000*l.* a year advocated, *Le Mesurier*, 38,031,  
 38,155-6, 38,235-6; *Kingsford*, 39,255; *Mullick*,  
 41,760.

Advocated if present maximum retained, and  
 admission of members to General Provident  
 Fund, *Le Mesurier*, 38,031; *Kershaw*, 40,725,  
 40,801-4, 40,836.

not Approved, contributions if abolished would  
 be spent, not saved, *Rainy* - - - 38,415

Varying according to salary, not advocated,  
*Oldham*, 39,675; *Mullick*, 41,760.

Opinions of Government of province agreed with in  
 the main, *Kingsford* - - - 39,310

Privilege rate of exchange, question of, *Kershaw*  
 40,825-36

**REDUCED, FOR INEFFICIENT OFFICERS ADVOCATED:**

Scale should be same as for officers retiring on  
 account of ill-health, *Le Mesurier*, 38,035;  
*Oldham*, 39,679; *Mullick*, 41,761; *Kershaw*,  
 40,728.

Three-quarter amount of invalid pension suggested,  
*Rainy* - - - 38,416

Rules, opinion expressed in letter by I.C.S. Associa-  
 tion, Bengal Branch, expresses views re, *Kingsford*  
 39,254

**SPECIAL:**

Best officers should be encouraged to stay on after  
 completion of 25 years by grant of, *Oldham*  
 39,676, 39,680, 39,970

Objections, but exception in favour of Lieutenant-  
 Governor advocated, *Kershaw* - - - 40,727

**Pensions, P.C.S.:**

for 20 years' service advocated, and enforced con-  
 tributions to family pension, *Fakhr-ud-din* 41,388,  
 41,468-72, 41,505-7  
 only after 25 years' service advocated, *Mullick*  
 42,027-34

Income tax should not be charged on, *Ali Ahmad*  
 38,775

Maximum, increase to Rs. 7,200 per annum advo-  
 cated, *Ali Ahmad* - - - 38,775

Superannuation system satisfactory in principle,  
*Rama Ballabh Misra* - - - 40,274

Period of probation should count towards, *Maharul*  
*Haque* - - - 40,483

**REDUCED FOR INEFFICIENT OFFICERS:**

Advocated, *Rama Ballabh Misra*, 40,276; *Kershaw*,  
 40,754; *Mullick*, 41,779.

Approved, minimum period of pensionable service  
 to be 5 years, *Ali Ahmad* - - - 38,776

and at Same rate as retirement for medical certi-  
 ficate, *Mullick* - - - 41,779

Two-thirds scale for medical certificate advised,  
*Kershaw* - - - 40,754

Superannuation, maximum should be raised, *Madhu*  
*Sudan Das* - - - 39,116

System of Provident Fund on lines in force in East  
 Indian Railway Company's service suggested,  
*Oldham* - - - 39,710, 40,047-50

System suitable, *Le Mesurier*, 38,079; *Kershaw*,  
 40,753; *Mullick*, 41,778, 42,027-34.

Persian language and literature, more useful to Indian  
 civilian than Arabic, *Oldham* - - - 39,617

**Planters:**

Districts, population primitive, and European officers  
 preferred, *Jameson* - - - 41,236-8

Employment of labour by, *Filgate* - - - 39,566-7

Large proportion of land occupied by, *Filgate* 39,533,  
 39,564-6

Law-abiding, and would probably respect authority of  
 Indian officials, *Filgate* - - - 39,580

**Pleaders:**

as Candidates for district judges not advocated, as  
 inferior to vakil of High Court, *Hasan Inam*  
 41,680-4

Government, necessity for consulting, *Rama Ballabh*  
*Misra* - - - 40,383-6



# Pleaders—continued.

Question of use of, *Rama Ballabh Misra* 40,376-98  
Recruitment from (see under Recruitment from the Bar under Judicial Branch).  
(see also Public Prosecutor.)

# Police:

Commissioner of; powers held by magistrate in mufassal held by, in Presidency towns and comparison of position, *Kingsford* - 39,424-6  
Corruptness of, and question of supervision by head of district, *Mazharul Haque* - 40,663-7  
no Distinction known of between classes differently recruited, *Rainy* - 38,622-3

# INSPECTOR GENERAL:

Fixed rates for, approved if time-scale adopted, *Kershaw* - 40,712  
Scale of pay, 1st April 1912, *Le Mesurier* - 38,007

# SUPERINTENDENT:

Tendency to assume police authority instead of district magistrate, *Mullick* - 41,844-5  
Tendency to leave investigation of crime to, *Kingsford* - 39,250  
Work compared with deputy magistrate's, *Sinha* 41,187-8  
Tendency of district officer to interfere less with, work of, *Kingsford* - 39,250, 39,301-7

Political Department, time-scale in force and works well, *Le Mesurier* - 38,016

Postal life insurance system, extension suggested, *Ali Ahmad* - 38,779, 38,828-9

Privilege leave (see Leave on Full pay).

# Probation, I.C.S.:

Approved, *Madhu Sudan Das*, 39,096; *Filgate*, 39,511; *Krishna Sahay*, 40,132; *Rama Ballabh Misra*, 40,249; *Mazharul Haque*, 40,464; *Sinha*, 40,972; *Fakhr-ud-din*, 41,365; *Mullick*, 41,722.

# ALLOWANCES:

150l. per annum suggested, with first-class passage to India, *Oldham*, 39,632; *Kershaw*, 40,692.  
200l. per annum advocated, *Le Mesurier*, 37,971; *Kingsford*, 39,243, 39,327-30.  
Advocated, *Ali Ahmad*, 38,716; *Filgate*, 39,495.  
at Present rate advocated, *Hasan Imam*, 41,533; *Mullick*, 41,725.

# COURSE OF STUDY:

for 1912, removal of optional subjects except Hindu and Muhammadan law, advocated, *Mullick* 41,728

# Accounts:

Advocated, *Ali Ahmad*, 38,721; *Hasan Imam*, 41,535.  
not Advocated, *Le Mesurier*, 37,975; *Rainy*, 38,391; *Oldham*, 39,636; *Kershaw*, 40,696; *Mullick*, 41,729.

# Defects, Rainy

Differentiation between Natives of India and other natural born subjects not necessary, *Le Mesurier*, 37,981, 38,428; *Ali Ahmad*, 38,726; *Oldham*, 39,641; *Mazharul Haque*, 40,466; *Kershaw*, 40,700; *Jameson*, 41,215; *Hasan Imam*, 41,539; *Mullick*, 41,731.

Handwriting, candidates who do not attain required standard should be required to pass in typewriting, *Rainy* - 38,401

# History:

Biographies and writings of men such as Munro, Malcolm, Elphinstone, Metcalfe, &c., study of, advised, *Oldham* - 39,635  
History advocated, *Rainy*, 38,394; *Oldham*, 39,635; *Krishna Sahay*, 40,133; *Mazharul Haque*, 40,465, 40,499-500; *Sinha*, 40,973-4; *Fakhr-ud-din*, 41,366; *Mullick*, 41,729.

Indian customs, religion, &c., special attention advised, *Oldham*, 39,635, 39,874-7; *Krishna Sahay*, 40,139; *Mazharul Haque*, 40,466, 40,499-500; *Fakhr-ud-din*, 41,366.

Indian geography, desirable, under conditions, *Le Mesurier*, 37,975; *Rainy*, 38,394; *Oldham*, 39,636; *Kershaw*, 40,696; *Hasan Imam*, 41,535; *Mullick*, 41,729.

# Probation, I.C.S.—continued.

# COURSE OF STUDY—continued.

Indians should be required to pass in vernacular other than their own, *Le Mesurier* - 37,981

# Languages:

# Classical:

Grounding in one or two Indian languages desirable, *Le Mesurier*, 37,967, 37,975; *Rainy*, 38,394; *Oldham*, 39,636; *Kershaw*, 40,696; *Fakhr-ud-din*, 41,366; *Hasan Imam*, 41,535; *Mullick*, 41,729.

Pali, reasons for advocating inclusion of, *Mazharul Haque* - 40,542-50

Provision should be made for teaching Arabic, Sanskrit, and Persian, *Le Mesurier* 38,242-5

# Specialisation:

not Advocated, *Kingsford* - 39,233, 39,441-8  
should be Arranged for, and suggestions, *Rainy* - 38,394, 38,451-6

# Vernaculars:

Principal, of province, advocated, *Krishna Sahay* - 40,133

Standard of literary knowledge required should be higher than at present, *Rainy* 38,391, 38,455

Vernacular literature advised, *Madhu Sudan Das* - 39,097

# Law:

Attendance at Law Courts and reporting of cases advised, *Le Mesurier*, 37,967, 37,975, 37,985, 38,301-4, *Rainy*, 38,394, 38,575; *Ali Ahmad*, 38,717; *Kingsford*, 39,246; *Oldham*, 39,636, 39,878; *Rama Ballabh Misra*, 40,242; *Kershaw*, 40,696; *Fakhr-ud-din*, 41,366; *Hasan Imam*, 41,535; *Mullick*, 41,729.

in Barrister's Chambers advised, if one year given, *Mullick* - 41,739

Candidates should be encouraged to read for the Bar, Government should pay entrance and calling fees, *Le Mesurier*, 37,974, 37,985; *Kingsford*, 39,243, 39,441.

Civil law, extent laid down by Indian Evidence Act, *Kingsford* - 39,232

Civil Procedure Code advocated, *Ali Ahmad* 38,717, 38,720-1

Contract Act advocated, *Ali Ahmad* - 38,720

Degree in law advised, and calling to Bar, *Mullick* - 41,706, 41,739

Hindu and Muhammadan law advocated, *Ali Ahmad*, 38,720; *Oldham*, 39,636; *Fakhr-ud-din*, 41,366.

# Indian law:

Essential and details, *Le Mesurier*, 37,975; *Kershaw*, 40,696; *Sinha*, 40,973-4; *Fakhr-ud-din*, 41,366; *Hasan Imam*, 41,535.

Specialisation not advised, *Kingsford* 39,233, 39,444-8

Indian Penal Code and Evidence Act should be compulsory, *Rainy* - 38,394

# Jurisprudence:

English common law advised, *Oldham* 39,879-81

Training in principles of law and jurisprudence desirable, *Le Mesurier* - 37,967

Revenue and tenancy law, general principles of, desirable, *Le Mesurier* - 37,974

Lord Macaulay's Committee, principles laid down by, approved, *Le Mesurier*, 37,973; *Ali Ahmad*, 38,719; *Oldham*, 39,634; *Kershaw*, 40,694; *Hasan Imam*, 41,534.

Political economy, desirable, *Le Mesurier*, 37,975; *Rainy*, 38,394; *Ali Ahmad*, 39,636; *Hasan Imam*, 41,535; *Mullick*, 41,729.

Reduction of syllabus if only one year's probation allowed, and concentration on vernacular and law necessary, *Kershaw* - 40,868

Similar to that prior to 1891 advocated, *Le Mesurier* 37,968, 37,974, 37,985

Suitable, but law course might be enlarged, *Kershaw* - 40,695-6, 40,868

Three years' course leading to degree in Oriental studies suggested, *Oldham* - 39,631

**Probation, I.C.S.—continued****COURSE OF STUDY—continued**

full University course with honours degree, and specialisation not advised in Indian subjects, *Kingsford* - 39,233, 39,327-30, 39,441-5  
 Wider course necessary if period increased to three years, *Oldham* - 39,635  
 special Course should not take place till about age of 23, *Rany* - 38,596-8

**DIFFERENTIATION FOR PERSONS OF MIXED AND UNMIXED DESCENT**

Advised, period should be spent in England by Indians and in India by Europeans, *Madhu Sudan Das* - 39,098  
 Domiciled Europeans should be treated as English, and particular cases of mixed descent treated separately, *Sinha* - 40,983, 41,111-7  
 Non-Natives of India should spend extra year of probation in India, *Mazharul Haque* - 40,467  
 Not necessary, *Ali Ahmad*, 38,736, *Filgate*, 39,521, *Oldham*, 39,651, *Krishna Sahay*, 40,143, *Mazharul Haque*, 40,473, *Jameson*, 41,221, *Fakhr-ud-din*, 41,375, *Hasan Imam*, 41,515

**IN ENGLAND**

Advocated, *Le Mesurier*, 37,976, *Rany*, 38,395, *Ali Ahmad* 38,722, *Oldham*, 39,628, 39,637, *Mazharul Haque*, 40,167, *Keishaw*, 40,689, 40,697, *Hasan Imam*, 41,532, 41,536, 41,597-8, *Mullick*, 41,730

**at Approved University**

Advised *Le Mesurier*, 37,969-70, 37,980, *Kingsford*, 39,212, *Oldham*, 39,630-1, *Mazharul Haque*, 40,165, *Keishaw*, 40,691  
 not Desirable *Ali Ahmad* - 38,715  
 Oxford or Cambridge advised and reasons, *Oldham* - 39,583-4, 40,010-6

Oxford and Cambridge as best places for, doubted, London, Dublin, or Edinburgh might be better, *Rany* - 38,393

should be Residential unless candidate previously completed full period of study for degree at, *Le Mesurier* 37,970, *Rany*, 38,583-5

at Residential University advocated for Indians recruited in India *Le Mesurier* 37,960  
 and not Scotch or Irish, and only if age reduced, *Mullick* - 41,724, 41,936-7

in Barristers chambers if age as at present, *Mullick* - 41,724

for Indians passing examination in India advocated, *Sinha* - 40,973

Indian students should be under control of India Office, *Ali Ahmad* - 38,718

Necessary for Indians, and as early as possible, *Campbell* 38,918-9, 38,922, 38,928, 39,951-4, 38,961-5, 39,007-12

not Necessary to run Indian district, *Rama Ballabh Misra* - 40,297-301

Separate institution, establishment would be objected to, *Le Mesurier*, 37,972, 38,119-21, *Ali Ahmad*, 38,718, *Oldham*, 39,633, *Keishaw*, 40,963, *Mullick*, 41,726

in England for Indians, and in India for English, under simultaneous examination advocated, *Fakhr-ud-din* - 41,366

in England should be optional for candidates passing in India, with existing age limits, *Rany* - 38,392

**IN INDIA**

Advocated, *Filgate* - 39,513, 38,582-7

Arrangement of courses by provincial governments

Desirable, *Madhu Sudan Das* - 39,100

Objected to, *Rany*, 38,397, *Ali Ahmad*, 38,724,

*Filgate* 39,515, *Krishna Sahay*, 40,136,

*Mazharul Haque*, 40,469, *Keishaw*, 40,699,

*Jameson*, 41,218, *Mullick*, 41,732, *Fakhr-ud-din*, 41,368

Question of, *Oldham* - 39,638

for Candidates passing examination in London advocated, *Sinha* - 40,973, 41,030-3

**special College**

not Approved, *Rany*, 38,396, *Ali Ahmad*, 38,721, *Krishna Sahay*, 40,135, *Mazharul Haque*, 40,468, *Keishaw*, 40,698, *Sinha* 40,973, *Fakhr-ud-din*, 41,367, *Mullick*, 41,731

**Probation, I.C.S.—continued****IN INDIA—continued****special College—continued**

Desirable, and details, *Madhu Sudan Das*, 39,099, 39,159-60, 39,188, *Filgate*, 39,495, 39,514, 39,543-8, *Jameson*, 41,193, 41,198, 41,214, 41,217, 41,247-55, 41,252-6, 41,261-9

no Objections to, but no necessity for, *Syed Hasan Imam* - 41,537

Question of obtaining teachers, *Madhu Sudan Das* - 39,186-7

Training under collector compared with training at, *Madhu Sudan Das* - 39,210

Typical Indians on instructive staff advised, *Madhu Sudan Das* - 39,160

of Indians, begun too late, *Campbell* - 38,958

not Necessary in ordinary circumstances, *Campbell* 38,931

Officers appointed by direct nomination in India should pass two years at approved University in England, and undergo same course of training as others, *Le Mesurier* - 37,968

for Officers recruited in India, same system and facilities for spending year in England advocated, *Rama Ballabh Misra* - 40,251, 40,297

**PERIOD**

1 year advocated, *Ali Ahmad*, 38,714, *Keishaw*, 40,677, 40,690

1 year and optional 2nd year, if age limits reduced, *Rany* - 38,392, 38,497-503

1 year at present, but 3 if age limit reduced to 17-19, *Mullick* - 41,706, 41,723, 41,728

1 year in England, and 1 in India advocated, *Rama Ballabh Misra* - 40,242

2 years advocated, *Le Mesurier*, 37,946, 37,967, 37,968, *Madhu Sudan Das*, 39,097, *Oldham*, 39,612, *Krishna Sahay*, 40,133, *Mazharul Haque*, 40,465, *Keishaw*, 40,867-9, *Sinha*, 40,973, *Fakhr-ud-din*, 41,368, *Hasan Imam*, 41,589-91

3 years if age limit reduced to 17-19, *Kingsford*, 39,241, *Oldham*, 39,628-9, 39,873, *Mullick*, 41,706, 41,728

4 years advised, *Filgate* - 39,512

Qualifying examination before signing covenant, advised, *Filgate* - 39,495

Present system of little advantage and continuance not advocated, *Kingsford* - 39,240

School of Indian Studies, question of, *Le Mesurier* 38,245-7

**AFTER SIMULTANEOUS EXAMINATION**

at British university, preferably Oxford or Cambridge advocated, *Sinha* - 40,946, 40,973

4 years in England advocated if examination passed in India, *Hasan Imam* 41,585-8, 41,592

in England or India according to place of examination advocated, *Sinha* - 41,030-1, 41,116-7

**Probation, P.C.S.:**

Allowance too small, *Mazharul Haque*, 40,483, *Fakhr-ud-din*, 41,380

Existing arrangements satisfactory, *Ali Ahmad*, 38,706, *Oldham*, 39,691, *Krishna Sahay*, 40,150, *Mazharul Haque*, 40,480, *Sinha*, 40,994, *Mullick*, 41,772 (d)

Judicial Branch (see under Judicial Branch, P.C.S.)

**Promotion, I.C.S.:**

Board advocated, and details, *Mullick* - 41,743,

Block, *Rama Ballabh Misra* - 41,830-6, 42,009

no serious Blocks, *Le Mesurier* - 38,143

Direct from P.C.S. to I.C.S. not advocated *Madhu Sudan Das* - 39,130

Notifications of promotions and reversions 5th December 1912 and 27th February 1913 *Le Mesurier* 291-7

**Promotion, I.C.S.—continued.****OFFICIATING GRADE:**

- Retention desirable, unless time-scale introduced,  
*Le Mesurier* - - - - - 38,014  
 Working of system, *Le Mesurier*, 38,014, 38,151-3;  
*Rainy*, 38,406; *Oldham*, 39,750.  
 Proposals in report of Government of Bengal in  
 connection with report of Royal Commission on  
 Decentralisation, favoured, *Le Mesurier* - 38,003  
 to Responsible posts in reasonable time, time-scale  
 would not prevent, *Kershaw* - - - - - 40,716  
 by Selection, not more than at present advocated,  
*Kershaw* - - - - - 40,789  
 Statement of officers failing to obtain, to "superior"  
 posts, *Le Mesurier* - - - - - 37,991  
 to Superior posts, grievances on account of officers  
 not rising to, time-scale recommended, *Kershaw*  
 - - - - - 40,854-5  
 Time scale (*see under Pay*).  
 Uneven flow of, *Rainy* - - - - - 38,407  
 Views of local officers should be consulted re  
 promotion from grades below, *Oldham* - 39,654

**Promotion, P.C.S.:**

- Block, grades ill-arranged, and regrading advised,  
*Oldham*, 38,736-8, 39,693, 39,911-3, 39,955,  
 40,099; *Marshall Haque*, 40,483; *Kershaw*,  
 40,741, 40,912-21.  
 Conditions satisfactory, *Oldham* - - - 39,695  
 Executive Branch (*see under Executive Branch*,  
 P.C.S.)  
 Higher standard of efficiency in higher grade,  
 advocated, *Rama Ballabh Misra* - 40,409-12  
 Judicial Branch (*see under Judicial Branch*, P.C.S.).  
 Number of officers passed over, *Le Mesurier*  
 - - - - - 38,169-70

**OFFICIATING.**

- Advocated, if time-scale not introduced, *Ali Ahmad*  
 - - - - - 38,761  
 not Advocated, *Le Mesurier*, 38,067; *Kershaw*,  
 40,741.  
 no Alteration recommended, *Oldham* - 39,702  
 more Rigorous system of selection advised, *Kingsford*  
 - - - - - 39,257  
 Senior men, question of, if young men selected and  
 sent home to train for district charges and of effect  
 on work, *Mullick* - - - - - 41,876-9  
 by Seniority and then selection suitable, *Kershaw*  
 - - - - - 40,739  
 System suitable, *Le Mesurier* - - - 38,060  
 Time scale (*see under Pay*).

**Provident Fund:**

- Admission of members of I.C.S. to, suggested after  
 abolition of 4 per cent. annuity deduction, *Le*  
*Mesurier*, 38,031; *Kershaw*, 40,725, 40,801-3.  
 Compulsory subscription for married officers advo-  
 cated, *Rama Ballabh Misra* - 40,279, 40,321-4  
 Compulsory subscriptions for member of P.C.S., ques-  
 tion of, *Kershaw* - - - 40,874-5, 40,898-903  
 Contribution may be made compulsory when pay of  
 P.C.S. increased, *Ali Ahmad* - - - 38,779  
 no Further facilities required for P.C.S. and statutory  
 civilians, *Le Mesurier* - - - 38,012, 38,082  
 Officers of P.C.S. entitled to subscribe to, and rates  
 of subscriptions, *Kershaw* - - - 40,735, 40,757  
 Proportion of officers contributing, *Rama Ballabh*  
*Misra* - - - - - 40,322  
 Number of subscribers in P.C.S., and facilities  
 sufficient, *Le Mesurier* - - - 38,082

**Provincial Civil Service:**

- Amalgamation of Subordinate Service with (*see under*  
*Subordinate Service*).  
 Character and ability improving, and increasingly  
 qualified set of men being attracted, *Ali Ahmad*  
 - - - - - 38,830-1  
 Classes of officers and appointments, no change  
 necessary, *Le Mesurier*, 38,054; *Kingsford*, 39,816-  
 8; *Mullick*, 41,772(f).  
 Communal representation, importance of, *Ali Ahmad*  
 - - - - - 39,796-8

**DESIGNATION:**

- Approved, *Le Mesurier*, 38,063; *Oldham*, 39,699;  
*Rama Ballabh Misra*, 40,261; *Marshall Haque*,  
 40,481; *Joneson*, 41,228; *Mullick*, 41,772(m).

**Provincial Civil Service—continued.****DESIGNATION—continued.**

- after Name of province suggested, *Ali Ahmad*,  
 38,757; *Krishna Sahay*, 40,152; *Sinha*, 40,997;  
*Fakhr-ud-din*, 41,383.  
 Objections to, in some quarters, *Madhu Sudan Das*  
 - - - - - 39,113  
 might Eventually take place of I.C.S., *Mullick*  
 - - - - - 41,880  
 High opinion of capacity and work of members,  
*Campbell*, 38,960; *Hasan Imam*, 41,685-6.  
 Higher grade, direct appointments to, undesirable,  
*Rama Ballabh Misra* - - - - - 40,254  
 Improvement of pay and prospects desirable, *Ali*  
*Ahmad*, 38,760; *Madhu Sudan Das*, 39,111; *Ker-*  
*shaw*, 40,675, 40,731, 40,743-4, 40,764, 40,776,  
 40,851, 40,881, 40,910-1.  
 Listed posts (*see that title*).  
 Officiating appointments, numbers selected for, and  
 distribution by race, *Le Mesurier* - - 38,017

**ORGANISATION:****Cadre:**

- Composition of, as regards race, *Le Mesurier*  
 - - - - - 38,017, 38,050  
 Increase of, necessary, *Ali Ahmad*, 38,749;  
*Oldham*, 39,603, 39,714, 39,735-6, 39,957-8,  
 40,692-7; *Rama Ballabh Misra*, 40,313-6;  
*Fakhr-ud-din*, 41,381, 41,433-5; *Mullick*,  
 41,857-9.  
 Statement in appendix correct, *Ali Ahmad* 38,742  
 Strength of:  
 Method of fixing satisfactory, *Le Mesurier*,  
 38,058; *Mullick*, 41,772(g).  
 Present, *Le Mesurier* - - - 38,046, 38,065  
 Satisfactory, *Le Mesurier*, 38,055; *Mullick*,  
 41,772(g).  
 Regrading suggested, *Kingsford*, 39,470; *Old-*  
*ham*, 39,736-8, 39,812-8, 39,855, 40,099.  
 Satisfactory, subject to certain alterations, *Le*  
*Mesurier*, 38,083; *Oldham*, 39,713; *Krishna*  
*Sahay*, 40,157; *Sinha*, 41,003; *Fakhr-ud-din*,  
 41,389; *Mullick*, 41,780.  
 Uniform grading in judicial and executive ser-  
 vices desirable, *Madhu Sudan Das* - - 39,115  
 Promotion to I.C.S. of selected officers approved,  
*Pilgate* - - - - - 39,498  
 Recruitment from, for I.C.S. (*see under Recruitment*,  
 I.C.S.).  
 (*see also Conditions of Service, Leave, Pay, &c.*)

Provincial services, manned mainly by Indians, not  
 natives of the province, *Le Mesurier* - - 37,961

**Public Prosecutor:**

- Combined with Government pleaders in some  
 districts, not in all, and comparison of position, &c.,  
*Ali Ahmad* - - - - - 38,987-93  
 Duties, functions, and pay, *Rainy* - - 38,439-41,  
 38,525-31  
 Fees, increase, *Ali Ahmad* - - - 38,760  
 usually Government pleaders also, *Rainy* - 38,523  
 Government pleader with large multifarious criminal  
 practice might refuse appointment as, *Rainy*  
 - - - - - 38,610-2  
 Necessity for consulting, *Rama Ballabh Misra*  
 - - - - - 40,383-6  
 Selection of district and sessions judges from,  
 question of, *Rainy* - - - 38,442, 38,532-3  
 Public Service Commission, 1886-87, principle recom-  
 mended by, approved, *Joneson* - - - 41,229  
 Public Works Department, time-scale in force and  
 works well, *Le Mesurier* - - - 38,016

**R.**

- Rainy*, George, I.C.S., evidence of - 38,381-38,679  
*Rameshwar Singh*, Maharaja Bahadur Sir, of Dar-  
 bhanga, opinion that prohibition in England of  
 Indians after selection by nomination should be  
 optional, *Le Mesurier* - - - 37,941, 38,361-3

## Recruitment, I.C.S.:

## AGE OF ARRIVAL IN INDIA:

- 21 advised, *Filgate* - - - 39,585-6  
 22 advocated, *Oldham*, 39,611, 39,614, 39,720,  
 40,024-6, 41,707; *Mullick*, 41,811-7, 41,910,  
 41,910-6, 41,957-60.  
 22-23 advocated, *Rainy*, 38,389, 38,450, 38,457-9;  
*Kingsford*, 39,235; *Kershaw*, 40,677-9, 40,766-7,  
 40,866-7.  
 22-24 advocated, *Le Mesurier* - 37,946, 37,949  
 23-25 most suitable, *Campbell*, 38,923; *Filgate*,  
 39,502, 39,561-1.  
 24 advocated, *Rama Ballabh Misra* - - 40,244  
 24 or 25 advocated, *Ali Ahmad*, 38,694; *Sinha*,  
 40,958, 41,136, 41,155-6; *Jameson*, 41,202;  
*Hasan Imam*, 41,523.  
 25 advocated, *Krishna Sahay*, 40,118; *Mazharul*  
*Haque*, 40,450; *Sinha*, 40,958, 41,118-21,  
 41,133-6, 41,155-6; *Fakhr-ud-din*, 41,353.

Annual indent, method of regulating, and system  
 satisfactory, *Le Mesurier* - - - 38,002  
 Annual rate, *Oldham* - - - 39,787

## CLASS REPRESENTATION:

- not Advocated, *Krishna Sahay*, 40,112; *Mazharul*  
*Haque*, 40,111, 40,188, 40,530-1; *Jameson*, 41,198;  
*Hasan Imam*, 41,607-16; *Mullick*, 41,702.  
 Advised, as far as practicable, *Ali Ahmad*, 38,687;  
*Oldham*, 39,606, 39,902-10; *Fakhr-ud-din*,  
 41,341, 41,317, 41,395-419.  
 Question does not arise, *Sinha* - - - 40,952

## COMPETITIVE EXAMINATION:

- safe Principle, *Madhu Sudan Das*, 39,081, 39,174-5;  
*Mazharul Haque*, 40,437.  
 Preferred, *Mullick* - 41,702, 41,935, 42,007-15  
 Satisfactory test and value of, *Rama Ballabh Misra*  
 40,359-64  
 best suited to needs of service, and no other scheme  
 would work better or equally well, although all  
 required qualifications not tested by, *Rainy*  
 38,381, 38,572-4

Differentiation for Indians not advocated, *Filgate*,  
 39,498; *Oldham*, 39,600.

Dismissal after 4 years' service, if unsuitable, advo-  
 cated, *Filgate*, 39,495; *Jameson*, 41,193, 41,198,  
 41,232-6.

Element of selection preferred to open competition,  
 but practical difficulties too great, *Rama Ballabh*  
*Misra* - - - 40,235

European recruits, question of effect of increasing  
 listed posts and recruiting judicial branch from  
 bar, *Fakhr-ud-din* - - - 41,454-62

First-class passage to India suggested for young  
 civilians, *Le Mesurier*, 37,971; *Oldham*, 39,632;  
*Kershaw*, 40,692.

## IN INDIA:

- not Advised, *Campbell*, 38,919, 38,927, 38,950-1;  
*Oldham*, 39,606.  
 by Competitive examination, unsuitability of, *Le*  
*Mesurier* - - - 37,940, 38,104  
 should be in Lieu of listed post system, *Ali Ahmad*  
 38,689, 38,788-92  
 Men recruited in India as efficient for adminis-  
 tering Indian district as men educated in  
 England, *Rama Ballabh Misra* - 40,297-301

## by Nomination:

- Advocated for some candidates, *Fakhr-ud-din*  
 41,450  
 Schemes, *Le Mesurier*, 37,938, 37,941, 38,095-  
 108, 38,172-81, 38,271-87, 38,340-3, 38,359-60,  
 38,364; *Ali Ahmad*, 38,687, 38,786, 38,793-5;  
*Jameson*, 41,197-8, 41,193-4, 41,242-4.

Nomination and competitive examination advocated,  
 and scheme, *Filgate*, 39,495, 39,498, 39,534-8;  
*Fakhr-ud-din*, 41,341, 41,347, 41,393-419, 41,487.

no Objection to, if education and training in  
 England prior to entry to service arranged for,  
*Campbell* - - - 38,952-4

Proportion of Indians appointed in England and  
 India should not exceed one fourth, *Ali Ahmad*  
 38,688, 38,787

## Recruitment, I.C.S.—continued.

## IN INDIA—continued.

- Selection of men with University Honours degrees  
 and subsequent probation in England, men  
 would be regarded as separate class, *Rainy*, 38,601  
 Special arrangements objected to, *Campbell* 38,927  
 Special college for promising Indians nominated  
 in provinces and admission of best pupils to  
 open competitive examination in England,  
 scheme, *Oldham* 39,599, 39,621, 39,721-32,  
 39,780-4, 39,814-7, 39,825-30, 39,862-3,  
 39,891-3, 39,902-6, 39,930-16, 39,987-  
 40,006, 40,017-22  
 should be Supplementary to listed posts system,  
*Le Mesurier* - - - 37,943, 38,109  
 Supplementary to system of listed posts not  
 advised, *Oldham*, 39,608; *Krishna Sahay*, 40,114;  
*Mazharul Haque*, 40,446; *Sinha*, 40,954.

## INDIANS:

- no Alteration proposed except reduction of age,  
*Mullick* - - - 41,901-10  
 most Brilliant men not always required, *Rama*  
*Ballabh Misra* - 40,239, 40,255-8, 40,367-72  
 Competitive examination in India followed by  
 university course in England, not advocated,  
*Oldham* - - - 39,727, 39,729-32  
 Competition among nominated candidates not  
 advocated, *Kershaw* - - - 40,770  
 no Desire for exclusion, but fair chance to both  
 nations, *Jameson* - - - 41,274-8  
 Effect of earlier age, particulars re number of  
 entrants, *Mullick* - - - 41,816-8

Increase up to 30 per cent. advocated and reasons,  
 and considerations to be kept in mind, *Rama*  
*Ballabh Misra* - - - 40,239, 40,295

Indians of great distinction not likely to be  
 willing to enter I.C.S., *Kingsford*, 39,390-1;  
*Kershaw*, 40,848-52.

by Nomination, or nomination and examination,  
 not approved, *Mazharul Haque*, 40,444; *Kershaw*,  
 40,675.

only by Nomination combined with competitive  
 examination in England, and promotion of  
 selected men from P.C.S. advised, *Filgate*  
 39,498, 39,500

no Objections to, or to class recruited, but new  
 arrangements necessary before increasing  
 number, *Campbell* - - - 38,956-8

Open competition preferred to present system,  
*Sinha* - - - 40,964

Parents might be encouraged to send children  
 home at early age if training looked after by  
 some authority, and question of probability,  
*Kingsford* - - - 39,239, 39,278, 39,334

Present system suitable, *Le Mesurier*, 37,955;  
*Ali Ahmad*, 38,701; *Kershaw*, 40,683.

Present system not approved, *Krishna Sahay*,  
 40,124; *Mazharul Haque*, 40,456.

Restriction to residents not so necessary as in  
 P.C.S., *Krishna Sahay*, 40,186-200; *Hasan Imam*,  
 41,569-72.

Question of, *Le Mesurier* - - - 38,255-7

Principle satisfactory, but does not always work  
 satisfactorily, *Madhu Sudan Das*, 39,030; *Old-*  
*ham*, 39,621.

## from P.C.S.:

- Advocated, *Mullick* - - - 41,792-8  
 not Advocated, *Kershaw* - - - 40,847  
 Preferred to direct recruitment, and scheme,  
*Kingsford*, 39,311-8; *Mullick*, 41,807-10,  
 41,815-6, 41,874, 41,792-8.

by Rigorous system of selection, and scheme of  
 admission of exceptionally qualified junior  
 officers after training in England suggested,  
*Kingsford* - - - 39,256, 39,311-5

Selection by local government of 5 per cent. from  
 other services advocated, *Mullick* - 41,717

Selection at early age, and education in England  
 suggested, *Madhu Sudan Das* - 39,180-4

## Recruitment, I.C.S.—continued.

## INDIANS—continued.

Supplementary examination in India with condition of subsequent training at University in England not advocated, *Kingsford* - 39,273-5  
 Training of young men at home and district appointments on return advocated, *Mullick* - 41,874-6

Monopoly of one race, opposition would be keenly felt, *Le Mesurier* - 38,230

Nomination or nomination and examination objected to, *Rainy* - 38,885

Open competition combined with selection by board of commissioners advised, and considerations necessary, *Oldham* - 39,597, 39,602

Posting of Indians to their own province on coming out not necessary, *Le Mesurier* - 38,171-4

## RECENT RECRUITS:

Falling off, *Oldham* - 39,618, 39,717

not so large a proportion from better known public schools and universities or honours men, but standard suitable, and no general falling off, *Le Mesurier* - 37,948

Suitable, *Rainy*, 38,388; *Ali Ahmad*, 38,693.

Unfavourable comparison with Haileybury officers, *Rama Ballabh Misra* - 40,243

Socially unsuitable candidates, means desirable for weeding out, *Le Mesurier* - 37,938

Touting, cases known, and question of remedy, *Mullick* - 41,832-4

no Touting, *Mullick* - 41,830-1

Vested interests, question of, if listed posts increased, *Kershaw* - 40,772-3

## Recruitment, P.C.S.:

## CLASS REPRESENTATION:

not Advocated, *Hasan Imam*, 41,616-21; *Mullick*, 41,772 (c), 41,854-5.

Arrangement suggested to secure ablest man of class, *Madhu Sudan Das* - 39,137

all Classes and communities not yet duly represented, but need for, *Le Mesurier*, 38,051; *Ali Ahmad*, 38,745, 38,900-12; *Oldham*, 39,687, 39,690, 40,065-85; *Krishna Sahay*, 40,147, 40,149; *Sinha*, 40,991, 40,993, 41,041.

Desirable, *Kershaw* - 40,738

Nominations to small extent to secure, advocated, *Rama Ballabh Misra* - 40,254, 40,256

Combination of nomination, examination, and promotion from subordinate service, scheme advocated, *Kershaw* - 40,737, 40,806

Combined system of competitive examination and selection advocated, *Madhu Sudan Das* - 39,107, 39,135-8

Conditions generally suitable, *Le Mesurier*, 38,044, 38,049; *Ali Ahmad*, 38,740, 38,741; *Oldham*, 39,686; *Krishna Sahay*, 40,146; *Rama Ballabh Misra*, 40,253; *Mazharul Haque*, 40,477; *Kershaw*, 40,736; *Sinha*, 40,990; *Hasan Imam*, 41,549.

Executive Branch (see under Executive Branch, P.C.S.).

Indians failing to pass I.C.S. examination might be drafted into P.C.S. with safeguards, *Fligate*, 39,524, 39,591-2; *Oldham*, 39,599, 39,864-5, 40,023.

Judicial Branch (see under Judicial Branch, P.C.S.).

no Natural-born subjects of His Majesty other than Natives of India recruited, *Le Mesurier* - 38,048

NOMINATION:

not Approved, and objections, *Mazharul Haque* - 40,444, 40,490-2

not Approved, but selection by Selection Board advocated till more universities, *Mullick* - 41,771

Claims of various communities and sects reconciled by, and impetus given for higher education to backward communities, *Ali Ahmad* - 38,743

Competition preferred, and rejection of unfit necessary, and a few nominations to secure class representation, *Rama Ballabh Misra* - 40,254, 40,330-2, 40,363-5

Dissatisfaction re, widespread, *Oldham* - 39,687, 39,802

in Division or district by officials or disinterested non-official men, *Madhu Sudan Das* - 39,135

Subject to possession of good university degree, preferable to combined nomination and examination, *Le Mesurier* - 38,049

## Recruitment, P.C.S.—continued.

## NOMINATION—continued.

more Suitable than competition, *Oldham* - 39,688  
 Working well, and change not advocated in present condition of India, *Ali Ahmad* - 38,743

## OPEN COMPETITION:

Advocated, with a few cases of nomination, *Krishna Sahay* - 40,117, 40,170

Objections to, *Le Mesurier*, 38,049; *Oldham*, 39,608.

Preferred to nomination, and details re scheme, *Sinha*, 40,991, 41,041-2, 41,160-8; *Mullick*, 41,935.

among Residents of province advocated, and explanation re classes, *Sinha* - 41,160-8

One year's practice as pleader or advocate should be considered in special cases, *Ali Ahmad* - 38,740

by Promotion from Subordinate Service, abolition not advocated, *Krishna Sahay* - 40,171-2

Raising of preliminary standard from B.A. to B.L. degree advocated, *Madhu Sudan Das* - 39,107

Recruits by competition better than men nominated, *Rama Ballabh Misra* - 40,403

Reservation of certain number of appointments by nomination and rest by competition advocated, *Hasan Imam* - 41,550, 41,579, 41,616, 41,620

## RESTRICTION TO RESIDENTS OF PROVINCE:

Advocated, and reasons, *Ali Ahmad*, 38,744; *Campbell*, 38,933; *Madhu Sudan Das*, 39,108; *Oldham*, 39,689; *Krishna Sahay*, 40,148, 40,182-200; *Rama Ballabh Misra*, 40,255; *Mazharul Haque*, 40,479, 40,504-5, 40,507; *Sinha*, 40,992, 41,014-7; *Jamson*, 41,226; *Pakhr-ud-din*, 41,379; *Hasan Imam*, 41,551, 41,571-2.

not Advocated, efficiency should be main consideration, *Mullick* - 41,772(h), 41,854-6

Rules same as were in force in Bengal, *Le Mesurier* - 38,047

Separate examination preferred to selection from university class lists, *Rama Ballabh Misra* - 40,331

Registrar, officer to combine post of inspecting-judge and, suggested, *Mullick* - 41,748, 41,772(h), 41,860-2, 41,961-9

Registrarship in Secretariat, opening of, to P.C.S. advocated, and remarks re as training for secretariat, *Oldham* - 39,693, 39,803, 40,098

Registration, Inspector-General of, listing of post advocated, *Rama Ballabh Misra*, 40,248; *Sinha*, 40,971.

Reservation of appointments to I.C.S. (see Statutory Regulations).

Residences, official, provision for officers holding higher appointments advised, *Oldham* - 39,685

Residents, 1st class, special pension of 1,200*l.* after 5 years' service advocated, *Le Mesurier* - 38,034

Retirement, I.C.S.:

Compulsory at 55, optional after 25 years' service but, advocated, *Rama Ballabh Misra* - 40,278

Compulsory, on account of inefficiency, advocated, *Rainy*, 38,416; *Kingsford*, 39,253; *Oldham*, 39,654, 39,679; *Kershaw*, 40,728; *Mullick*, 41,762.

Voluntary or compulsory, views expressed in letter from I.C.S. Association, Bengal branch, *Kingsford* - 39,254

Retirement, P.C.S.:

COMPULSORY:

at 55, should be rigidly enforced, *Ali Ahmad* - 38,778

for Inefficiency advocated, *Le Mesurier*, 38,060; *Oldham*, 39,695, 39,711; *Kershaw*, 40,739.

Rules suitable, *Le Mesurier*, 38,081; *Ali Ahmad*, 38,778; *Kershaw*, 40,756.

Revenue:

Board of, see Board of Revenue.

Courts, work done in Bengal by civil courts done by, in Orissa, *Madhu Sudan Das* - 39,142-3

Officers, tours in mufassal intermittent, and average number of days, *Le Mesurier* - 37,984, 38,128-9

Work nearly all done from headquarters, *Rainy* - 38,639-40

## S.

- Sachchidananda Sinha, evidence of - 40,945-1191
- Sahay, Krishna, evidence of - 40,105-234
- Salary (see Pay).
- Sanskrit (see under Syllabus under Indian Civil Service Examination).
- Savings Bank, deposits, maximum amount admissible should be increased, *Ali Ahmad* - 38,779
- Scholarships:
- Advocated, with restrictions, and details, *Kingsford*, 39,239, 39,262-3, 39,272, 39,334, 39,404-8; *Filgate*, 39,495, 39,539-42, 39,574-7, *Kershaw*, 40,848; *Jameson*, 41,193-4, 41,257-60.
- Advocated if simultaneous examination not accepted but not preferred, *Hasan Imam* 41,531, 41,563-6, 41,668, 41,678
- Age limit, question of, and public school education by, desirable but probably too expensive, *Hasan Imam* 41,660-2
- Extension, question of, *Le Mesurier* 38,231-3
- Number, allotment, qualifications, &c., *Hasan Imam* 41,663-6
- Number to be given would have to be defined, *Rainy* 38,429
- Preferred to college in India, *Sinha* 41,158-9
- Scheme satisfactory, but simultaneous examination preferred, except in view of cost, *Sinha* 41,073-4
- Scheme, special college in India preferred to, but some advantages in, *Oldham* 40,020-2
- for Special college in India, no objections to, *Oldham* 39,944-6
- Secretaries:
- Charge allowance under time-scale, *Kershaw* 40,712
- CHIEF:
- Fixed rates for appointment if time-scale adopted, *Kershaw* 40,712
- Listing of one post advocated, *Rama Ballabh Misra* 40,248
- Pay on the 1st April, 1912, *Le Mesurier* 38,006-7
- special Pension after five years' service advocated, *Le Mesurier* 38,034
- should be Eliminated from schedule of reserved posts, *Fakhr-ud-din* 41,357
- JUNIOR, local allowance of Rs. 250 per mensem advocated, *Le Mesurier* 38,020
- as Listed posts, suggested, *Krishna Sahay*, 40,131; *Fakhr-ud-din*, 41,364.
- to Local Government, one listed post advocated, *Mazharul Haque* 40,463, 40,605
- UNDER:
- Charge allowance under time-scale, *Kershaw* 40,712
- Number and pay, *Le Mesurier* 37,992, 38,007
- Separate examination:
- would be Accepted if present system given up, examination to be held in each province and proportion to be not more than one fourth, and not less than one sixth, *Ali Ahmad* 38,686
- Advocated for groups of provinces by rotation, and same standard as in England, but slight difference in subjects, and scheme, *Rama Ballabh Misra* 40,239, 40,290-303, 40,399-402
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- Indians should still be eligible for appointment in England, *Rama Ballabh Misra* 40,239
- Opposed in principle, but would be accepted, *Sinha* 41,012-7
- Sessions divisions, grouping of more than one district unsatisfactory, *Mullick* 41,770
- Sessions judges (see Judges, District and Sessions).
- Settlement cases, direct dealing with officer and people the most satisfactory, *Rama Ballabh Misra* 40,368

## Settlement officers:

- Assistant, training as, advocated, *Mullick* 41,735
- Duties and work of, *Kingsford* 39,436-40
- Listing of post advocated, *Rama Ballabh Misra* 40,248
- Litigation caused by decisions of, *Madhu Sudan Das* 39,171
- Unpopular as judges, *Mazharul Haque* 40,577-9, 40,612-5
- Settlement work, advantage of training, *Oldham*, 39,646; *Mullick*, 41,739, 41,828-9.
- Simultaneous examinations:
- Advocated, and details, *Krishna Sahay*, 40,106-7, 40,110, 40,124, 40,160-5; *Mazharul Haque*, 40,438-9, 40,442, 40,603; *Sinha*, 40,946, 40,949-50, 40,952, 40,964, 41,007, 41,073, 41,109; *Fakhr-ud-din*, 41,341, 41,345, 41,847, 41,393-419, 41,451; *Hasan Imam*, 41,517-8, 41,564-8, 41,639-45, 41,672-9.
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- Class representation, fairly representative result expected, *Sinha* 40,952, 41,106-9
- Cost, and scholarships preferable in view of, *Sinha* 41,075-80
- Cramming institutions will result, *Le Mesurier*, 37,939; *Rainy*, 38,384.
- Declaration of vacancies and procedure re appointments, question of, *Sinha* 41,100-4
- EUROPEAN ELEMENT:
- Effect on recruitment of, *Sinha* 40,963, 41,008-11, 41,107
- Question of minimum proportion of, bound to arise, and difficulties of, *Kingsford* 39,230
- Standard of, would be lowered, *Le Mesurier* 37,939
- Examination difficulties, *Oldham*, 39,603; *Hasan Imam*, 41,645.
- Fixing of proportion, grievance would be felt, *Rainy* 38,384
- in Future advocated, but not as next step, *Rama Ballabh Misra* 40,239, 40,289
- large Indian element not probable at first, *Krishna Sahay*, 40,162-5; *Mazharul Haque*, 40,496-8; *Hasan Imam*, 41,564-6.
- Indian schools and universities do not at present promote training of body and character to same extent as English, *Rainy* 38,384
- Indians passing in India would be regarded as belonging to different class in service, *Rainy* 38,384
- Indians should still be eligible for appointment in England, *Le Mesurier*, 37,942; *Ali Ahmad*, 38,688; *Oldham*, 39,607; *Krishna Sahay*, 40,113; *Mazharul Haque*, 40,445; *Sinha*, 40,953; *Fakhr-ud-din*, 41,348.
- Number of posts probable for Indians under, *Sinha* 41,146-8
- Oral examination difficultly, *Le Mesurier*, 37,939; *Kingsford*, 39,230.
- Preferred to scholarships, but less probable, *Sinha*, 41,158-9; *Hasan Imam*, 41,668, 41,678.
- Preponderance of appointments might fall to particular races and classes, *Oldham* 39,603
- Probability of service being officered mainly by Indians, *Kingsford* 39,230
- Probation after, suggestions re, *Hasan Imam* 41,593-9
- Standard of Service would be lowered, *Oldham* 39,603
- Sinha*, Sachchidananda, evidence of- 40,945-11,191
- Small Cause Court, judgeship, Provincial Civil Servant formerly held post of, *Ali Ahmad* 38,760, 38,863-9
- Special leave (see under Leave).
- Statutory Civilians:
- Abolished without sufficient trial, *Ali Ahmad* 38,681
- Pensions, system suitable, *Le Mesurier*, 38,037; *Kershaw*, 40,730.

**Statutory Civilians—continued.**

were not Regarded as being entirely on same footing as members of I.C.S., *Rainy* - 38,385, 38,433  
 Revival of system not advocated, *Ali Ahmad*, 38,703;  
*Filgate*, 39,506; *Oldham*, 39,622; *Krishna Sahay*, 40,125;  
*Mazharul Haque*, 40,457; *Kershaw*, 40,881-91;  
*Sinha*, 40,965; *Jameson*, 41,208; *Fakhr-ud-din*, 41,360;  
*Hasan Imam*, 41,528; *Mullick*, 41,714-5.

Revival desirable in so far as proposed system of nomination resembles, *Le Mesurier* - 37,957

**Statutory Regulations:****RESERVATION TO I.C.S. OF CERTAIN POSTS:**

Approved, *Le Mesurier*, 37,953; *Campbell*, 38,025.  
 39,015; *Madhu Sudan Das*, 39,088; *Kershaw*, 40,681;  
*Sinha*, 40,962; *Mullick*, 41,712.

Approved, of executive posts, but not judicial posts, *Krishna Sahay* - 40,122

Approved, but "salt agents" and "controller of salt choukies" might be omitted, *Oldham*, 39,619  
 not Approved, *Filgate*, 39,504; *Mazharul Haque*, 40,454;  
*Jameson*, 41,206.

District judgeship and secretaryship should be eliminated, *Fakhr-ud-din* - 41,357

Higher posts should be reserved, *Jameson* - 41,207

**Sub-divisional Officers:**

Charge allowance proposed under time-scale, *Kershaw* - 40,712, 40,745, 40,810-1, 40,926-32

have Houses rent free, *Le Mesurier* - 38,226-8

little Revenue work done by, *Rainy* - 38,640

Special allowances advocated, *Rama Ballabh Misra* 40,263, 40,312

Touring, length of time on, &c., *Rainy* 38,641-3

Visits to headquarters, *Rainy* - 38,644

**Subordinate Civil Service:**

Amalgamation with P.C.S. advocated, *Rainy*, 38,420;  
*Oldham*, 39,714, 39,739-60, 39,805-6; *Rama Ballabh Misra*, 40,317-20, 40,414-20;  
*Mazharul Haque*, 40,483, 40,509-11; *Fakhr-ud-din*, 41,389, 41,432;  
*Sinha*, 41,169-70.

Division of cadre, complaints, *Oldham* - 39,953-4

Increase in number of officers necessary, *Oldham* 39,603

Overworked and amalgamation with P.C.S. would not relieve congestion of either, *Rama Ballabh Misra* - 40,414

Promotion to P.C.S. from, not objected to, *Fakhr-ud-din* - 41,431

Recruitment, method of, *Le Mesurier* 38,221, 38,224-5

Recruitment, rules, *Le Mesurier* - p. 23-4

**Superintendent of Police (see under Police).****Superior Posts (see under Conditions of Service, I.C.S.).****T.****Time-scales (see under Pay).****Training, I.C.S.:****DIFFERENTIATION BETWEEN PERSONS OF MIXED AND UNMIXED DESCENT:**

Domiciled Europeans should be treated as English and particular cases of mixed descent treated separately, *Sinha* - 40,983, 41,111-7

not Necessary, *Ali Ahmad*, 38,736; *Oldham*, 39,651;  
*Krishna Sahay*, 40,143; *Mazharul Haque*, 40,473;  
*Jameson*, 41,224; *Fakhr-ud-din*, 41,375;  
*Hasan Imam*, 41,545.

**IN ENGLAND:**

Advisable, *Filgate*, 39,497; *Sinha*, 41,158-9;  
*Mullick*, 41,789-90, 41,798-806, 41,885-91.

Becoming more general, *Oldham* - 39,611

British University education should be insisted on for all candidates, *Jameson* - 41,196

at Early age, advised, *Kingsford*, 39,399-401, 39,407;  
*Mullick*, 41,705, 41,804, 41,818-27, 41,881-4, 41,896, 41,943-55.

at English public school preferred, *Jameson*, 41,239;  
*Hasan Imam*, 41,661-2.

Less difficult now for Indians, *Mullick* - 41,818, 41,827, 41,952

Longer and earlier, advocated, *Kingsford* 30,239.

Necessary for Indians, *Kershaw* 39,263-9, 39,331-8

Objections on part of some people not anticipated, *Mullick* - 41,871-3

**Training, I.C.S.—continued.****IN ENGLAND—continued.**

Three years at a British University before entering for competitive examination, suggested, *Filgate*, 39,495;  
*Jameson*, 41,193, 41,198, 41,240, at Universities, advantages, *Mullick* - 41,731  
 of Young officers under 30, course advised, *Mullick* - 41,861-70

Progressive course identical for both branches, *Kingsford* - 39,284-5

Rules, for judicial and revenue work - p. 283-4

**AFTER TAKING UP APPOINTMENT:**

no Alteration suggested, *Jameson* - 41,219

no Arrangement known of, *Ali Ahmad* - 38,727

as Assistant magistrate necessary, *Jameson* 41,266

under Collector, compared with probation in college in India, *Madhu Sudan Das* - 39,210

Colloquial examination, success of stiffening, *Le Mesurier* - 38,207-8

Confidential reports sent to Government by collectors, *Le Mesurier* - 38,204-6

Definite and specific, advocated, and might do instead of probation in India, *Sinha* - 41,033

Departmental examinations:

Bengal system, abuse of, *Oldham* - 39,643

Defects and suggested alterations, *Rainy*, 38,398-9; *Oldham*, 39,643, 39,692.

Language and Indian history advocated, *Mullick* 41,706

Rules, *Le Mesurier* - 37,984, p. 284-91

System suitable, *Ali Ahmad*, 38,728; *Kershaw*, 40,702; *Mullick*, 41,772(e).

Urdu, question as to inclusion of, *Le Mesurier* 38,321-30

Vernacular advocated as sole compulsory subject, but with higher standard, *Mullick* 41,736, 41,737

Differentiation for Indians not necessary, *Le Mesurier*, 37,988; *Ali Ahmad*, 38,735; *Filgate*, 39,520;  
*Oldham*, 39,650; *Krishna Sahay*, 40,142;  
*Kershaw*, 40,703; *Sinha*, 40,982-3;  
*Jameson*, 41,223; *Fakhr-ud-din*, 41,374; *Mullick*, 41,740.

in Districts under selected collectors preferred, *Le Mesurier* - 37,977

Four years' district work and six months' settlement, and scheme, *Mullick* - 41,739

High standard believed to be kept up in practice, *Le Mesurier* - 38,122

Junior civilians after completing settlement training, generally posted to sub-divisions after about 18 months' service, *Le Mesurier* - 37,998

Officers to give training carefully selected, *Le Mesurier* - 38,126

Percentage allowed for, no alteration necessary, *Le Mesurier* - 37,998

Period should be increased to two years if possible, *Rainy* 38,398, 38,461, 38,466-7

Present system satisfactory if previous training according to scheme, *Filgate* - 39,516

at Provincial centre under civilian specially selected, preferred to central college, *Oldham* 39,638

Rules, *Le Mesurier* - 37,983, p. 283-4

in Rural districts the most suitable, *Le Mesurier* 38,123

Satisfactory, *Kershaw*, 40,701, 40,704; *Mullick*, 41,735.

Scheme, *Le Mesurier* - 37,985

Second year at headquarters suggested, *Rainy* 38,657-40

under Selected District Officers, advocated, *Hasan Imam* - 41,538

System, *Le Mesurier* - 37,982

no System known, *Madhu Sudan Das* 39,101, 39,190

more Systematic method necessary, and special subjects should be studied and examinations held, *Sinha* - 40,977

Unsatisfactory, and suggestions, *Rainy*, 38,398, 38,460-70;  
*Madhu Sudan Das*, 39,101; *Oldham*, 39,642, 39,783-92;  
*Mazharul Haque*, 40,467, 40,470;  
*Fakhr-ud-din*, 41,369; *Hasan Imam*, 41,540.

Young civilians very generally live with collectors, but not always, *Le Mesurier* - 38,124-5

**Training, P.C.S.**

Arrangements satisfactory, *Oldham*, 39,691, *Ma-haraj*  
*Hague*, 10,180, *Sinha*, 10,991, *Krishna Sahay*,  
 10,151, *Mallik*, 11,772  
 Choice of station by Government suggested, *Rama*  
*Balabh Misra* - - - - - 10,256  
 Executive Branch (*see under* Executive Branch  
 P.C.S.)  
 Judicial Branch (*see under* Judicial Branch P.C.S.)  
 no Reserve *Le Mesurier* - - - - - 18,057  
 no Reserve needed *Ali Ahmad* - - - - - 18,751

Transfer of cases where prosecution sanctioned by  
 District Magistrate, probably from desire to prolong  
 case, *Kingsford* - - - - - 19,381-2 19,385-7

**Transfers:**

Difficulty might be met by appointing more  
 frequently senior P.C.S. officer to act in short  
 vacancies *Oldham* - - - - - 19,670  
 Excessive summing  
 Cases, *Oldham* - - - - - 19,671  
 Question of bye rules as contributory cause  
*Rama Balabh Misra* - - - - - 10,272  
 less frequent since Decentralisation Commission,  
*Campbell* - - - - - 19,052  
 too frequent and consequent deterioration in  
 knowledge of vernacular, *Kingsford* - - - 19,241  
 Travelling allowances (*see under* Pay)  
 before three years' service in post if for no fault  
 expenses should be paid to officer *Oldham* 19,685,  
 19,711 10,016

**Transfers, P.C.S.:**

Leave rules do not cause *Krishna* - - - - 10,741  
 Payment of expenses in certain cases advised  
*Oldham* - - - - - 19,711

**Travelling Allowances (*see under* Pay)****U.****Under Secretaries (*see under* Secretaries)**

University men. Indian question of success in after  
 life *Hann Imam* - - - - - 11,659  
 number in service *Le Mesurier* 18,017 18,050

**V.**

Appointment of district and sessions judges  
 noted *Sinha* 10,977, 10,979-80, 11,018-25  
 (and Oriental Languages)  
 Knowledge can be acquired only in India  
 where best in England, *Ram*, 18,391  
*Madhu Sudan Das*, 19,208-9

**Vernaculars (and Oriental languages)—continued**

DETERIORATION IN KNOWLEDGE OF, BY EUROPEANS  
 Causes *Le Mesurier*, 37,984, 38,127-9, *Ram*,  
 18,399, *Ali Ahmad*, 38,729, *Campbell*, 38,932,  
 18,968-70 38,996-9003, *Madhu Sudan Das*,  
 39,102, *Kingsford* 39,244, *Oldham*, 39,644,  
*Krishna Sahay*, 10,138, *Sinha*, 10,978, *Hasan*  
*Imam*, 11,541, *Mallik*, 41,737  
 no Deterioration, *Filgate* 39,517 39,589-90,  
*Jameson*, 11,220

very few officers can speak language of villagers,  
*Campbell* - - - - - 39,048 39,059-62

Hindi most important, and Urdu only spoken in four  
 districts, *Oldham* - - - - - 39,794-6

Knowledge of, suggestions for improving, *Ram*,  
 38,399 38,155-6, 38,513-7, *Ali Ahmad* 38,780,  
*Campbell*, 38,970-1, *Kingsford* 39,245, 39,449-51,  
*Oldham* 39,611-5, *Rama Balabh Misra*, 40,252,  
*Madhu Sudan Das* 40,471, *Fulki-vadai* 41,370,  
 41,438-42, *Hasan Imam* 41,542, *Mallik*, 41,737-8

**KNOWLEDGE OF BY I.C.S.**

Advantageous, *Filgate* - - - - - 39,571-3

Attainment of adequate proficiency in suggestion,  
*Jameson* - - - - - 41,220

Knowledge of language of upper classes necessary  
*Oldham* - - - - - 39,644

Particulars re time needed to acquire knowledge  
 of *Campbell* - - - - - 39,041-7

**PRELIMINARY TRAINING****in England**

Advocated *Le Mesurier* - - - - - 37,972

Better given than in India *Ram*, 38,394  
 18,580-2, *Madhu Sudan Das* 39,205-9,  
*Oldham* 39,610

**in India**

Objections to, *Ali Ahmad* - - - - - 38,725

Possible, but not necessary *Mallik* - - - 41,733

Reading of current literature by civilians very  
 infrequent *Ram* - - - - - 38,518-4

Special study after arrival in India advocated, *Sinha*  
 40,977

Superior and consequent disadvantages, *Rama*  
*Balabh Misra* - - - - - 40,252

Training necessary and at college in India  
 suggested, *Filgate* 39,495, 39,546

(*see also under* Syllabus under Indian Civil Service  
 Examination, and under Course of Study under  
 Probation, I.C.S.)

**W.**

Wages, increase and causes *Filgate* - - - - 39,569







